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Administration of justice at the United Nations

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Administration of justice at the United Nations

Report of the Secretary-General

Summary

The General Assembly, by its resolutions 61/261, 62/228 and 63/253, decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice for the United Nations. This system commenced operation on 1 July 2009.

The General Assembly has noted with appreciation the achievements of the system since its inception, has acknowledged its evolving nature and has continued to monitor the system to ensure that it achieves its mandate.

In the present report, the Secretary-General provides statistics on the functioning of the system of administration of justice for the calendar year 2013 and offers some observations with respect thereto. The Secretary-General also identifies specific requirements for resources in the formal system relating to the three ad litem judge positions, the Registry of the Appeals Tribunal and the proposed interim independent assessment.

In its resolution 68/254, the General Assembly requested the Secretary-General to report on a number of matters at its sixty-ninth session. This report includes a consolidated response to that request.

* A/69/150.

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Abbreviations

ALS	Administrative Law Section, Office of Human Resources Management
CTITF	Counter-Terrorism Implementation Task Force
DCM	Division of Conference Management
DESA	Department of Economic and Social Affairs
DFS	Department of Field Support
DGACM	Department for General Assembly and Conference Management
DM	Department of Management
DPA	Department of Political Affairs
DPI	Department of Public Information
DPKO	Department of Peacekeeping Operations
DSS	Department of Safety and Security
ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
ICAO	International Civil Aviation Organization
ICSC	International Civil Service Commission
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Tribunal for the former Yugoslavia
ILO	International Labour Organization
ITGSCD	Division on International Trade in Goods and Services, and Commodities
ITSD	Information Technology Services Division
ITU	International Telecommunication Union
MICT	United Nations Mechanism for International Criminal Tribunals
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MINUSTAH	United Nations Stabilization Mission in Haiti

MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
OAJ	Office of Administration of Justice
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OHRM	Office of Human Resources Management
OICT	Office of Information and Communications Technology
OIOS	Office of Internal Oversight Services
OLA	Office of Legal Affairs
OPPBA	Office of Programme Planning, Budget and Accounts
UNAKRT	United Nations Assistance to the Khmer Rouge Trials
UNAMI	United Nations Assistance Mission for Iraq
UNAMID	United Nations Mission in Darfur
UNAT	United Nations Appeals Tribunal
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNDT	United Nations Dispute Tribunal
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlements Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNHQ	United Nations Headquarters
UNIC	United Nations Information Centre
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research

UNIFIL	United Nations Interim Force in Lebanon
UNJSPB	United Nations Joint Staff Pension Board
UNJSPF	United Nations Joint Staff Pension Fund
UNOCI	United Nations Operation in Côte d'Ivoire
UNODC	United Nations Office on Drugs and Crime
UNOG	United Nations Office at Geneva
UNON	United Nations Office at Nairobi
UNOPS	United Nations Office for Project Services
UNOV	United Nations Office at Vienna
UNPOS	United Nations Political Office for Somalia
UNRISD	United Nations Research Institute for Social Development
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSOA	United Nations Support Office for the African Union Military Observer Mission in Somalia (AMISOM)
UNTSO	United Nations Truce Supervision Organization
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women
WFP	World Food Programme

I. Overview

1. The General Assembly, by its resolutions 61/261, 62/228 and 63/253, established a new system of administration of justice for staff of the Secretariat and the separately administered funds and programmes, which became effective on 1 July 2009. The Assembly envisaged the new system as being an independent, transparent, professionalized, adequate resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike.

2. Five years into the operation of this system of administration of justice is an opportune time to recall the fundamental reasons for the establishment of the new system of internal justice at the United Nations, which were set out by the Secretary-General in his note dated 23 February 2007,[1] as follows:

> "(a) United Nations staff members have no legal recourse to national courts in respect of employment-related grievances. The Organization therefore needs to offer its personnel effective recourse and must bear many of the attendant costs that might otherwise have been incurred in national judicial proceedings;
>
> "(b) The United Nations, as an organization involved in setting norms and standards and advocating for the rule of law, has a special duty to offer its staff timely, effective and fair justice. It must, therefore, 'practice what it preaches' with respect to the treatment and management of its own personnel. The Secretary-General believes that staff are entitled to a system of justice that fully complies with applicable international human rights standards;
>
> "(c) Given heightened risks and increasingly complex situations in which the Organization operates, high ethical standards and zero tolerance for inappropriate conduct or wrongdoing have become paramount. Establishing an internal justice system that enjoys the confidence of both staff and management is essential to promoting mutual trust and enhancing accountability which, in turn, will strengthen the Organization;
>
> "(d) The internal justice system needs to adapt to the changing requirements of an increasingly global Organization ... The internal justice system needs to be structured in a way that affords effective access to all staff members, wherever they are located."

3. It is also useful to recall that the system of administration of justice serves approximately 74,000 staff members in the Secretariat and the separately administered funds and programmes.[2] It also serves retired staff members, their spouses, children and secondary dependants and those in receipt of a disability benefit who have access to the system in respect of allegations of non-observance of the regulations of the United Nations Joint Staff Pension Fund.[3]

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[1] A/61/758, para. 5.

[2] See A/68/356.

[3] According to the 2013 annual report of the United Nations Joint Staff Pension Fund, in 2013, the Fund had 121,098 active participants.

4. The formal system has two tribunals, the first instance United Nations Dispute Tribunal (UNDT) and the second instance United Nations Appeals Tribunal (UNAT), which are composed of professional and independent judges and supported by Registries in Geneva, Nairobi and New York. The Office of Administration of Justice administers the elements of the formal system, providing substantive, technical and administrative support to the Tribunals through the Registries; legal assistance and representation to staff members at all stages of the formal system through the Office of Staff Legal Assistance; and assistance, as appropriate, to the Internal Justice Council.[4]

5. The mandatory first step in the formal system in non-disciplinary matters is management evaluation. The Management Evaluation Unit of the Department of Management at Headquarters or the respective entity performing that function in the separately administered funds and programmes conducts a first review of a contested decision. This step is designed to give management a chance to correct an improper decision or to provide a remedy in cases where the decision has been flawed, thereby reducing the number of cases that proceed to the Dispute Tribunal.

6. The Secretary-General is represented before the Dispute Tribunal by the Administrative Law Section in the Office of Human Resources Management for matters brought by staff serving in the Secretariat and certain other United Nations entities, as well as by legal and human resources staff at the United Nations Office at Nairobi, UNEP, UN-Habitat, the United Nations Office at Geneva and the United Nations Office at Vienna. The Secretary-General is represented before the Dispute Tribunal by similar units for matters brought by staff serving in the separately administered funds and programmes. The Secretary-General is represented before the Appeals Tribunal by the Office of Legal Affairs.

7. Annex I hereto depicts the process by which a staff grievance is addressed in the system.

8. The present report provides statistics on the functioning of the system in 2013 and offers some observations with respect thereto. It also responds to the specific requests of the General Assembly in its resolution 68/254 for consideration at its sixty-ninth session, and contains resource requests related to the revised proposal for an interim independent assessment, the proposed extension of the three ad litem judge positions and their support staff from 1 January to 31 December 2015 and the proposed strengthening of the capacity of the Registry of the Appeals Tribunal.

II. Review of the formal system of justice

A. Observations on the operation of the formal system of administration of justice

9. The following observations are offered with respect to the operation of the formal system of administration of justice in 2013.[5]

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[4] See ST/SGB/2010/3.

[5] To put the observations in context, it is recalled that some 74,000 staff members have access to the system of internal justice and that some hundreds of thousands of administrative decisions are taken within the Organization every year, only relatively few of which are challenged in the formal system of administration of justice.

10. There were indications that the number of incoming cases in the formal system may have stabilized since 2009.

11. The majority of cases in the formal system continue to relate to non-selection, non-promotion and other appointment-related decisions, and to separation from service.

12. There is a discernible link between decisions of the Organization that have impacted large numbers of staff members, such as one-time review exercises to consider eligible staff for conversion to permanent appointment, the capital master plan and downsizing of departments, offices and missions, and recourse to the formal system of internal justice.

13. Efforts to settle cases in the formal system at the management evaluation stage and before the Dispute Tribunal prior to a judgement on the merits continued in 2013, with notable success in terms of the number of cases considered.

14. The number of interlocutory motions brought before the Appeals Tribunal is increasing.

15. The number of self-represented staff members continued to rise in 2013.

1. Caseloads and types of cases

16. The Management Evaluation Unit of the Department of Management reported an increase in requests for management evaluation in 2013, although the figure was not as high as in 2011. The Unit received 933 requests in 2013, compared to 837 requests in 2012 and 952 requests in 2011. The Unit considers that these figures reflect stabilization in the number of requests for management evaluation. Many of the requests for management evaluation reflect problems with performance management issues.

17. The Management Evaluation Unit noted that the two largest groups of management evaluation requests continued to relate to administrative decisions on non-selection and non-promotion (226 requests or 24.2 per cent) and separation from service (200 requests or 21.4 per cent). Only 2.6 per cent of these requests were settled; 23.6 per cent were found to be moot; and 63.8 per cent were not receivable or the decision was upheld. The Unit observed that even though managers appear to have become more aware of their performance management obligations, requests concerning the non-renewal of contract or non-selection continue to involve problems with performance management issues.

18. UNDP experienced an increase in requests for management evaluation and cases before the Dispute Tribunal in 2013, with a relatively large number of cases arising from one-time review exercises to consider eligible staff for conversion to permanent appointment.

19. The Office of Staff Legal Assistance also experienced an increase in its caseload in 2013, with the bulk of the cases relating to the provision of summary legal advice.

20. The number of new cases filed with the Dispute Tribunal increased from 258 in 2012 to 289 in 2013. There was a large number of applications for suspension of action, in particular in New York, most of which related to the implementation of the capital master plan.

21. There was a decrease in the number of new cases filed with the Appeals Tribunal in 2013, from 142 in 2012 to 125 in 2013. This decrease may be due, in part, to the decrease in the number of new cases filed with the Dispute Tribunal in 2012. With the increase in new cases filed with the Dispute Tribunal in 2013, it may be reasonable to expect a corresponding increase in appeals filed with the Appeals Tribunal in due course.

22. The number of motions filed with the Appeals Tribunal has been increasing. To mid-June 2014, the figure was 50, more than the annual number of motions received in any previous year.

23. Both Tribunals disposed of more cases in 2013 than in previous years. The Dispute Tribunal disposed of 325 cases in 2013, compared to 260 cases in 2012.[6] The Appeals Tribunal disposed of 137 cases in 2013, compared to 103 cases in 2012. As a result, both Tribunals had fewer cases pending at the end of 2013 than in 2012.

2. Informal resolution within the formal system

24. Cases continued to be resolved within the formal system without the need for a final judgement on the merits. Some 241 cases were resolved at the management evaluation stage in the Secretariat and separately administered funds and programmes in 2013, including 33 cases in which the Office of Staff Legal Assistance acted on behalf of the staff member.

25. Some 55 cases before the Dispute Tribunal were withdrawn, including cases resolved *inter partes*, with settlement discussions initiated by counsel for the parties or, in 26 cases, following judicial intervention or case management by the judges of the Dispute Tribunal.

3. Self-represented staff members

26. A substantial number of staff members were self-represented in proceedings before both Tribunals in 2013. Of the 289 new cases filed with the Dispute Tribunal, 166 cases (57 per cent) were filed by self-represented staff members. Of the 125 new cases filed with the Appeals Tribunal, 52 cases (42 per cent) were filed by self-represented staff members.

27. The significant impact of self-represented staff members on the internal justice system in terms of hidden costs, delay and diminished likelihood of settlement of disputes was identified in the previous report of the Secretary-General on administration of justice.[7] It is a systemic issue affecting the operation of the system of administration of justice, and therefore it is recommended that the issue be addressed as part of the proposed interim independent assessment.

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[6] The 325 cases included 109 applications for suspension of action that must be resolved within five working days.

[7] A/68/346, paras. 18-21.

B. Management Evaluation Unit

1. Mandate

28. The Management Evaluation Unit in the Office of the Under-Secretary-General for Management of the Department of Management is the first step in the formal system of administration of justice. The core functions of the Unit are to: (a) carry out timely management evaluations of non-disciplinary administrative decisions contested by staff members relating to their terms and conditions of appointment; (b) assist the Under-Secretary-General in providing timely and reasoned responses to management evaluation requests; and (c) assist the Under-Secretary-General in realizing managerial accountability. The management evaluation process provides the Administration with opportunities to identify poor decisions in a timely manner, thereby preventing unnecessary litigation, and to collect lessons learned for decision makers in order to reduce costs through better and more consistent decision-making.

29. In conformity with the decision of the General Assembly to establish a transparent system of administration of justice, in cases where the Management Evaluation Unit has recommended that a contested administrative decision be upheld, a written reasoned response is sent to the staff member concerned setting out the basis for the management evaluation, including a summary of the relevant facts of the request and the comments on the request provided by the decision maker(s), the relevant internal rules of the Organization, relevant jurisprudence of the Tribunals, an explanation of why the Unit considered that the contested decision comported with the rules and the decision of the Secretary-General.

30. Staff members have the statutory right to take their challenge against an upheld administrative decision or, if their request has been deemed not receivable or moot, to the Dispute Tribunal.[8] The Unit reports that staff members who have sought recourse to the formal system owing to a perceived lack of transparency or respect for them in the administrative decision-making process are more likely to decide not to pursue their statutory right of recourse to the Dispute Tribunal following management evaluation as they perceive the process to be objective and fair. The written reasoned response provided to staff members at the conclusion of the management evaluation process is an important means of displaying the fairness and establishing the credibility of the process.

31. From its inception on 1 July 2009 to 31 December 2013, the Unit has received a total of 3,333 management evaluation requests: 184 in 2009; 427 in 2010; 952 in 2011; 837 in 2012; and 933 in 2013. The Unit had closed 3,196 requests in total by 31 December 2013. As of that date, it had recommended compensation with respect to 60 management evaluation requests in total (1.8 per cent of requests closed by 31 December 2013).

32. Table 1 below shows the disposition of management evaluation requests filed in 2013.

[8] Resolution 62/228, para. 51.

Table 1

A. Disposition of management evaluation requests filed in 2013

Requests filed 2013	*Decisions upheld*	*Decisions reversed*	*Requests moot*[a]	*Requests formally settled*	*Requests not receivable*	*Requests withdrawn*[b]	*Requests misrouted*	*Requests carried forward from 2013*	*Decisions appealed and decided by UNDT by 30 June 2014*
933	323	–	183	11	257	33	11	115	87

[a] This may include mutually agreed resolutions.
[b] This may include mutually agreed resolutions.

B. Outcome of cases in the United Nations Dispute Tribunal

Upheld	*Partially upheld*	*Overturned*	*Pending*
82	2	3	40

33. Of the 933 requests received in 2013, the Unit closed 818 by the end of 2013. Of these 818 requests, 227 (28 per cent) were resolved through efforts by the Unit itself, by the decision maker(s) themselves or with the involvement of the Office of Staff Legal Assistance or the Office of the Ombudsman and Mediation Services. In at least 72 per cent of requests, the challenged matter was not reversed or modified.

34. In all requests submitted to the Unit that were not withdrawn, moot or settled, the contested decision was upheld by the Secretary-General following a recommendation by the Unit that the decision was consistent with the rules and jurisprudence of the Organization.

35. Of the 933 requests filed in 2013, only 127 (13.6 per cent) of decisions were challenged by staff members before the Dispute Tribunal by 30 June 2014, which is considered to be a success in terms of resolving disputes at an early stage. Of the requests filed in 2014, 22 decisions (7.1 per cent) had been challenged by 30 June 2014.

36. Of the management evaluations delivered on requests filed in 2013, staff members filed 127 applications to the Dispute Tribunal by 30 June 2014. As at that date, the Tribunal had disposed of 87 of the applications and made a disposition consistent in full with the position taken in the management evaluation in 79 cases (91 per cent). Forty judgements remained outstanding, and a small number of further applications may be made. Although there are issues of interpretation of internal laws of the Organization that have yet to be determined by the Appeals Tribunal, this is believed to be indicative of the objectivity and accuracy of the Unit.

37. Out of the 933 requests filed in 2013, the Unit recommended 11 settlements, 10 of which included compensation ranging from $712 to $72,668.25, for a total of $166,707.10,[9] thereby avoiding further litigation and eliminating any further exposure to potential awards of damages. Of the 11 settlements achieved, 6 settled entitlements or benefits which were otherwise due to the staff members; in 4 others, compensation was paid; and, in 1 case, no compensation was paid.

[9] This is a decrease from 2012 when compensation totalling $186,536.47 was paid.

2. Statutory time limits

38. Management evaluations are required to be completed within a limit of 30 calendar days for Headquarters staff and 45 calendar days for staff at offices away from Headquarters after the submission of such a request.[10] Deadlines may only be extended in cases where the matter has been referred to the Office of the Ombudsman and Mediation Services under conditions specified by the Secretary-General, or by the Dispute Tribunal for a period of up to 15 days in exceptional circumstances when both parties to a dispute agree.[11]

39. The Advisory Committee on Administrative and Budgetary Questions has stated that every effort should be made to resolve cases before staff members resort to litigation and that the management evaluation function presents an important opportunity to do so.[12] In cases where the Management Evaluation Unit is of the view that the contested decision does not comport with the internal laws of the Organization, and the Under-Secretary-General for Management endorses consideration of a settlement, the Unit seeks to facilitate resolution of the request. The experience of the Unit is that such resolution involves extensive communication with the staff member and the decision maker and may exceed the statutory time frame.

3. Caseload and resources

40. The caseload of the Management Evaluation Unit increased from 1 July 2009 to 31 December 2011, reaching 952 management evaluation requests in 2011; however, this included approximately 310 similar requests. In 2012, the number of requests levelled off at 837, but increased to 933 in 2013. From 1 January to 30 June 2014, 313 requests were filed. Nevertheless, it is considered that the numbers of requests since 1 July 2009 indicate a stabilization in the caseload of the Unit. The Unit also observed a discernible link between decisions affecting groups of staff and recourse to the Unit.

41. The extremely short 30- and 45-day timelines are in this form applicable only to the management evaluation process. These timelines support the swift resolution of disputes, but are extremely hard for the Management Evaluation Unit to meet, bearing in mind the high number of requests and resulting workload. The workload of the Unit in reviewing requests is affected by its approach to dealing actively with requests and reaching out to staff members and managers, and by its task of analysing potential lessons learned and formulating those lessons into guides and presentations to managers.

42. The Management Evaluation Unit tracks data on management evaluation requests through its database (*MEUtrix*) and through manual cross-reference with the published decisions of the Tribunals. Data entry, the maintenance of the database and cross-referencing are time-consuming activities, which are focused on delivering responses to management evaluation requests within short statutory deadlines.

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[10] Resolution 62/228, para. 54.

[11] Resolution 66/237, para. 32.

[12] A/65/557, para. 16.

C. Management evaluation in the funds and programmes

43. The separately administered funds and programmes, UNDP, UNFPA, UNHCR, UNICEF and UNOPS, received 122 requests for management evaluation in 2013. Their disposition is reflected in those entities' data tables set out later in this report.

D. United Nations Dispute Tribunal

1. Composition of the United Nations Dispute Tribunal

44. During the reporting period, the composition of the Dispute Tribunal was as follows:

(a) Judge Vinod Boolell (Mauritius), full-time judge based in Nairobi;

(b) Judge Memooda Ebrahim-Carstens (Botswana), full-time judge based in New York;

(c) Judge Thomas Laker (Germany), full-time judge based in Geneva;

(d) Judge Goolam Hoosen Kader-Meeran (United Kingdom of Great Britain and Northern Ireland), half-time judge;

(e) Judge Coral Shaw (New Zealand), half-time judge;

(f) Judge Jean-François Cousin (France), ad litem judge based in Geneva;[13]

(g) Judge Nkemdilim Amelia Izuako (Nigeria), ad litem judge based in Nairobi;

(h) Judge Alessandra Greceanu (Romania), ad litem judge based in New York.

2. Judicial activities

(a) Caseload

45. As at 1 January 2013, the Dispute Tribunal had 262 pending cases. In 2013, the Dispute Tribunal received 289 new cases, including by inter-registry transfer, and disposed of 325 cases, including one remanded case and eight closed by inter-registry transfer. As at 31 December 2013, 226 cases were pending, including one case from the old system.

46. Table 2A below shows the number of cases received, disposed of and pending for 2013 and for previous years. Table 2B breaks these cases down by duty station.

[13] Judge Cousin resigned effective 1 April 2014.

Table 2
United Nations Dispute Tribunal: status of cases

A. Cases received, disposed of and pending: 2009-2013

	Cases received	*Cases disposed of*	*Cases pending (end of year)*
2009[a]	281	98	183
2010	307	236	254
2011	281	271	264
2012	258	260	262
2013	289	325	226
Total	**1 416**	**1 190**	

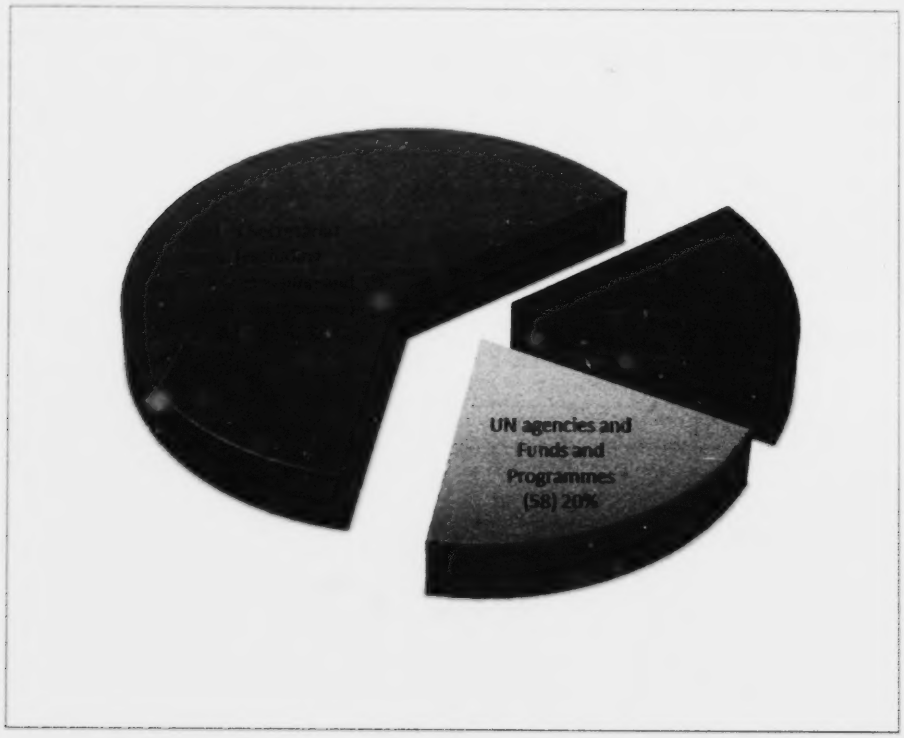
[a] The current system of administration of justice went into operation on 1 July 2009.

B. Cases received, disposed of and pending, by duty station: 2009-2013

United Nations Dispute Tribunal	*Cases received*			*Cases disposed of*			*Cases pending (end of year)*		
	Geneva	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*
2009	108	74	99	57	19	22	51	55	77
2010	120	80	107	101	59	76	70	76	108
2011	95	89	97	119	59	93	46	106	112
2012	94	78	86	106	76	78	34	108	120
2013	75	96	118	77	103	145	32	101	93
Total	**492**	**417**	**507**	**460**	**316**	**414**			

47. Of the 289 cases received in 2013, 180 cases (62 per cent) originated from the Secretariat (excluding peacekeeping and political missions) including the regional commissions, offices away from Headquarters, ICTR and ICTY and various United Nations departments and offices; 51 cases (18 per cent) originated from peacekeeping and political missions; and 58 cases (20 per cent) originated from United Nations agencies, funds and programmes, including UNHCR, UNDP, UNICEF, UNFPA, UNOPS and WFP. This is illustrated in figure I below.

Figure I
Distribution of registered cases by clients
(1 January to 31 December 2013)



(b) Cases transferred to the Dispute Tribunal from the former system

48. Two cases transferred from the former Joint Appeals Boards and Joint Disciplinary Committees were disposed of in 2013; one in Nairobi and one in New York. One such case was still pending in Nairobi at the end of 2013.[14]

49. During the same period, all of the cases transferred from the former United Nations Administrative Tribunal were disposed of.

(c) Number of judgements, orders and court sessions

50. The Dispute Tribunal rendered 181 judgements, issued 775 orders and held 218 court sessions in 2013. Table 3A shows the total number of judgements, orders and court sessions for the years 2009-2013 and table 3B provides the same information broken down by Registry.

[14] This is a remanded case. Soon after it was remanded, the applicant passed away and an adjournment was requested by the applicant's estate. The matter is scheduled to be heard in September 2014.

Table 3
United Nations Dispute Tribunal: judgements, orders and court sessions

A. Total number of judgements, orders and court sessions: 2009-2013

UNDT	Judgements	Orders	Court sessions
2009	97	255	172
2010	217	679	261
2011	219	672	249
2012	208	626	187
2013	181	775	218
Total	**922**	**3 007**	**1 087**

B. Judgements, orders and court sessions by Registry: 2009-2013

	Judgements			Orders			Court sessions		
United Nations Dispute Tribunal	Geneva	Nairobi	New York	Geneva	Nairobi	New York	Geneva	Nairobi	New York
2009	44	20	33	39	26	190	21	33	118
2010	83	52	82	93	248	338	54	116	91
2011	86	52	81	224	144	304	54	117	78
2012	79	65	64	172	183	271	24	88	75
2013	41	67	73	201	219	355	32	114	72
Total	**333**	**256**	**333**	**729**	**820**	**1 458**	**185**	**468**	**434**

(d) Cases by subject matter

51. Cases received in 2013 fell into six main categories: (a) appointment-related matters (non-selection, non-promotion and other appointment-related matters): 142 cases, (b) benefits and entitlements: 36 cases, (c) classification: two cases, (d) disciplinary matters: six cases, (e) separation from service (non-renewal and other separation matters): 59 cases, and (f) other:[15] 44 cases.

(e) Legal representation of applicants before the Dispute Tribunal

52. The breakdown of representation of staff members with respect to the 289 new cases in 2013 was as follows: 166 staff members were self-represented; 62 were represented by the Office of Staff Legal Assistance; 46 were represented by external counsel; and 15 were represented by volunteers who were either current or former staff members of the Organization.

(f) Outcome of closed cases

53. Of the 325 cases disposed of by the Dispute Tribunal in 2013, 173 were decided in favour of the respondent (i.e., application rejected in full), 62 were decided in favour of the applicant in full and 21 were decided in favour of the

[15] Includes appeals against decisions taken by the Ethics Office, the Ombudsman and investigative bodies, and appeals against the imposition of measures under Staff Rule 10.2 (b).

applicant in part (i.e., some claims on liability granted). A total of 55 applications were withdrawn, including cases successfully mediated or settled, including as a result of the efforts of the judges, three cases were closed for want of prosecution, three involved applications for revision, interpretation or execution and eight were closed by inter-registry transfer.

(g) Suspension-of-action applications

54. The 109 suspension-of-action applications received in 2013 represented a considerable increase over such applications in 2012. Given the statutory requirement that such applications be disposed of within five working days, they had to be given priority and contributed significantly to the workload of the Dispute Tribunal.

55. The largest increase was in New York, where the Dispute Tribunal disposed of 68 suspension-of-action applications. Most of these applications involved decisions to relocate staff under the capital master plan.

(h) Cases settled before the Dispute Tribunal

56. In 2013, 55 cases were withdrawn, including following *inter partes* settlement discussions or mediation through the Office of the Ombudsman and Mediation Services. Of these, 26 cases were settled following judicial intervention or case management by the Dispute Tribunal.

(i) Cases referred for mediation

57. As at 1 January 2013, there were four ongoing mediation cases previously referred by the Dispute Tribunal to the Office of the Ombudsman and Mediation Services. In 2013, the Dispute Tribunal identified 27 additional cases suitable for referral for mediation. Of these, 15 cases were successfully mediated and 10 were unsuccessful. At the end of 2013, six cases remained pending.

(j) Cases referred for accountability

58. In 2013, there were six referrals for accountability under article 10.8 of the Statute of the Dispute Tribunal.

3. Issues related to the Dispute Tribunal

(a) Ad litem judges

59. There were 289 cases filed with the Dispute Tribunal in 2013, an increase of 12 per cent over 2012.

60. With a full complement of judges in 2013, including the three ad litem judges, the Dispute Tribunal disposed of 325 cases, which was a substantial increase over previous years. As stated above, this figure included a significant number of suspension-of-action applications. The number of pending cases at the end of 2013 was 226, representing approximately one year of work for the Tribunal.

61. It is of critical importance that the three ad litem judge positions, including judges presently sitting on the positions, and their supporting staff be extended until the end of 2015 in order to keep abreast of the caseload and reduce the time it takes for the disposition of a case. Any reduction in the judicial capacity of the Dispute

Tribunal would result in a significant increase in the length of time required to adjudicate cases. It is recalled that the length of time it took to dispose of cases was one of the most strongly criticized shortcomings of the former system of administration of justice.

62. There are other reasons why it is essential to have two full-time judges at each duty station.[16] In accordance with the General Assembly's vision, as elaborated in paragraph 4 of its resolution 61/261, the Dispute Tribunal is decentralized in order to ensure easier access to justice for staff members. The whole point of having a decentralized Tribunal would be defeated if one location had to stop functioning owing to the absence of its sole judge, for example, in cases of leave, sickness or resignation. Similarly, the recusal of a judge at one location would automatically entail the transfer of the case to another location farther away from the applicant. Three-judge panels can be established in an effective way only when at least two judges are present at each Tribunal location. Moreover, there is a statutory requirement for applications for suspension of action to be disposed of in five days, which would be extremely difficult for a single judge to achieve without compromising the disposal of substantive applications. Furthermore, the President of the Dispute Tribunal, who has to direct the work of the Tribunal, is reliant on the presence and support of the other judge at his or her location during his or her term of office in order to maintain the flow of cases.

63. Accordingly, the Secretary-General recommends the extension of the three ad litem judge positions, including the extension of the sitting ad litem judges and the staffing complement that support them, for one year, from 1 January to 31 December 2015.

64. In view of the foregoing, and as the workload of the Dispute Tribunal appears to be stabilizing without showing any indications of a downward trend, it is expected that the requirement for the three full-time ad litem positions and their supporting staff will continue into the biennium 2016-2017.

(b) Courtrooms

65. The General Assembly, in its resolution 68/254, reaffirmed the need for fully equipped courtrooms and other administrative requirements for the Tribunals and welcomed the progress made by the Secretary-General in ensuring the provision of functional courtrooms with adequate facilities, as a matter of urgency.

66. On 11 June 2013, a permanent and professional courtroom was inaugurated in Nairobi, and on 11 March 2014, a permanent and professional courtroom was inaugurated in Geneva. Work on the construction of a new courtroom in New York has been completed and the courtroom will be inaugurated in 2014.

[16] Some of these reasons were set out in earlier reports; see A/67/265 and Corr.1, and A/66/275 and Corr.1.

E. United Nations Appeals Tribunal

1. Composition of the Appeals Tribunal

67. During the reporting period, the composition of the Appeals Tribunal was as follows:

(a) Judge Luis María Simón (Uruguay);

(b) Judge Mary Faherty (Ireland);

(c) Judge Sophia Adinyira (Ghana);

(d) Judge Inés Weinberg de Roca (Argentina);

(e) Judge Jean Courtial (France);[17]

(f) Judge Richard Lussick (Samoa);

(g) Judge Rosalyn Chapman (United States of America).

2. Sessions

68. The Appeals Tribunal held three sessions in 2013, in the first (18 to 28 March), second (17 to 28 June) and third (7 to 18 October) quarters of the year.

69. At these sessions, the Appeals Tribunal heard and passed judgement on appeals filed against judgements rendered by the Dispute Tribunal (see article 2.1 of the statute of the Appeals Tribunal); against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund (see article 2.9 of the statute of the Appeals Tribunal); and on appeals against decisions from entities that concluded special agreements with the Secretary-General of the United Nations (see article 2.10 of the statute of the Appeals Tribunal), including ICAO, the Commissioner-General of UNRWA and the UNRWA Dispute Tribunal.

3. Judicial activities

(a) Caseload

70. In 2013, the Appeals Tribunal received 125 new cases and disposed of 137 cases. As at 31 December 2013, the Tribunal had 110 cases pending.

71. Table 4 shows the number of cases received, disposed of and pending for 2013 and for previous years.

[17] Judge Courtial resigned effective 31 December 2013.

Table 4
United Nations Appeals Tribunal: cases received, disposed of and pending (2009-2013)

	Cases received	*Cases disposed of*	*Pending cases*
2009	19	N/A[a]	19
2010	167	95	91
2011	96	104	83
2012	142	103	122
2013	125	137	110
Total	**549**	**439**	

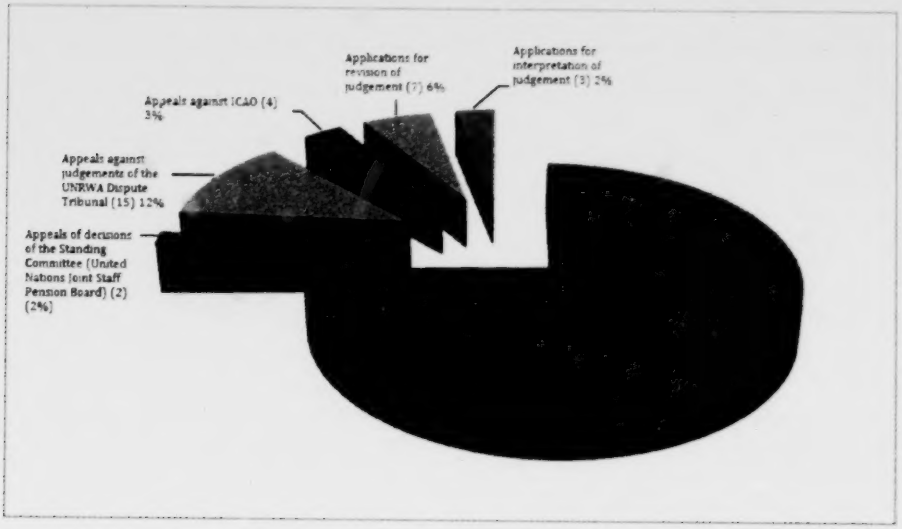
[a] The Tribunal did not hold a session in 2009. It held its first session in the spring of 2010.

72. The ratio of appeals filed by staff members and appeals filed on behalf of the Secretary-General changed from 2012 to 2013. In 2012, 63 per cent of the appeals were filed by staff members and 37 per cent were filed on behalf of the Secretary-General. In 2013, 50 per cent of the appeals and applications were filed by staff members and 50 per cent were filed on behalf of the Secretary-General.

73. The 125 new cases filed in 2013 included 94 appeals against judgements and orders of the Dispute Tribunal (44 filed by staff members and 50 filed on behalf of the Secretary-General); two appeals of decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 15 appeals against judgements rendered by the UNRWA Dispute Tribunal (11 brought by staff members and four brought on behalf of the Commissioner-General); and four appeals against decisions by the Secretary-General of the International Civil Aviation Organization. They also included seven applications for revision of Appeals Tribunal judgements filed by staff members (including one Pension Fund case and one UNRWA case) and three applications for interpretation of Appeals Tribunal judgements (one filed on behalf of the Secretary-General and two filed by staff, including one Pension Fund case).

74. Figure II below breaks down the 125 new cases by entity.

Figure II
Cases registered between 1 January and 31 December 2013


Applications for revision of judgement (7) 6%
Applications for interpretation of judgement (3) 2%
Appeals against ICAO (4) 3%
Appeals against judgements of the UNRWA Dispute Tribunal (15) 12%
Appeals of decisions of the Standing Committee (United Nations Joint Staff Pension Board) (2) (2%)

75. The representation of staff members in connection with the 125 new cases was as follows: 52 staff members were self-represented; 32 were represented by the Office of Staff Legal Assistance; 26 were represented by external counsel; 9 were represented by voluntary counsel; and 6 were represented by the UNRWA Office of Staff Legal Assistance.

(b) Judgements, orders and hearings

76. The Appeals Tribunal rendered 115 judgements, issued 47 orders and held five oral hearings in 2013.

77. The Appeals Tribunal held one oral hearing over two days before the entire bench in order to consider 16 related cases, resulting in four judgements. The Tribunal considered that the cases raised a significant question of law that warranted consideration by the full bench pursuant to article 10(2) of its statute.[18]

78. Table 5 provides a breakdown of judgements, orders and hearings for the Appeals Tribunal in 2013 and for previous years.

[18] The 16 appeals stemmed from three related judgements of the Dispute Tribunal adjudicating applications contesting the decision not to award permanent appointments to staff members of the International Tribunal for the Former Yugoslavia. Three of the appeals were filed on behalf of the Secretary-General, 12 were filed by individuals and one was filed on behalf of 258 individuals.

Table 5
United Nations Appeals Tribunal: judgements, orders and hearings (2009-2013)

	Judgements	*Orders*	*Hearings*
2009	N/A	N/A	N/A
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
Total	**396**	**166**	**20**

N/A signifies "not applicable".

(c) Outcome of disposed cases

79. It should be recalled that the Appeals Tribunal does not consider cases from the beginning (*de novo*). It is an appellate body. Its remit is set out in article 2 of its statute. In order to engage the jurisdiction of the Tribunal, an appellant must establish one or more of the five grounds for appeal set out in its statute. Failure to do so means that the appeal cannot succeed.

80. Of the 115 judgements rendered by the Appeals Tribunal in 2013, 79 related to Dispute Tribunal judgements (disposing of 99 appeals), three to decisions of the Standing Committee of the United Nations Joint Staff Pension Board, 12 to UNRWA Dispute Tribunal judgements, one to a decision of the UNRWA Commissioner-General and one to a decision of the Secretary-General of ICAO. The Tribunal also rendered 19 judgements on applications for revision, interpretation or correction (disposing of 19 applications). An additional application for interpretation was disposed of by an order. The Tribunal also considered seven cross-appeals, which it disposed of in the respective judgements.

81. Of the 99 appeals related to Dispute Tribunal judgements, 62 were filed by staff members and 37 were filed on behalf of the Secretary-General. Of the 62 appeals filed by staff members, 45 (73 per cent) were rejected and 17 were granted in full or in part (27 per cent). Of the 37 appeals filed on behalf of the Secretary-General, 6 were rejected (16 per cent), and 31 were granted in full or in part (84 per cent).[19] In addition, the Appeals Tribunal considered three cross-appeals by the Secretary-General and three cross-appeals by staff members, which it disposed of in the respective judgements.

82. The Appeals Tribunal issued three judgements on appeals of decisions taken by the Standing Committee, acting on behalf of the Pension Board. One appeal was granted in part and two cases were remanded to the Standing Committee.

83. The Appeals Tribunal rendered 13 judgements, disposing of 12 appeals filed by UNRWA staff members and one appeal filed by the UNRWA Commissioner-General. Of the 12 appeals filed by UNRWA staff members, 10 were dismissed and

[19] Included in these figures are four appeals brought on behalf of the Secretary-General in which the Appeals Tribunal reduced the amount of compensation but did not change other relief in favour of the staff member.

two were remanded to the UNRWA Dispute Tribunal. The Commissioner-General's appeal was allowed. In addition, the Tribunal disposed of a cross-appeal by a staff member in the respective judgement.

84. The Appeals Tribunal rendered one judgement rejecting an appeal filed by a former staff member of ICAO.

85. The Appeals Tribunal rendered 19 judgements disposing of 19 applications for interpretation, correction or revision of judgements, including two UNRWA cases and one Pension Fund case. Of the 18 applications filed by staff members, one was granted and 17 were denied. One application for interpretation by the Secretary-General was denied. An additional request for interpretation by the Secretary-General was rejected by an order.

(d) Relief awarded

86. The Appeals Tribunal awarded costs for the first time since its inception in two related cases in which it found that by continuously filing appeals lacking merit, a staff member had manifestly abused the proceedings.[20]

(e) Referral for accountability

87. In one judgement, the Appeals Tribunal made a referral to the Secretary-General for possible action to enforce accountability pursuant to article 9.5 of its statute.

88. In one judgement, the Appeals Tribunal found that the Dispute Tribunal erred in referring a case to the Secretary-General for possible action to enforce accountability under article 10.8 of its statute.

4. Issues related to the Appeals Tribunal

89. As at mid-June 2014, there were over 140 cases on the docket of the Appeals Tribunal awaiting review. This represents more than one year of work for the Tribunal. In addition, the number of interlocutory motions has been increasing since the inception of the new system. The Tribunal had received 50 interlocutory motions as at mid-June 2014, which is more than the annual number received in any previous year.[21]

90. As the second instance tribunal, the Appeals Tribunal provides guidance to the Dispute Tribunal and settles the jurisprudence, which enhances predictability in the system of internal justice. Accordingly, it is important that the Tribunal adjudicate appeals as quickly as possible. It is also important for the Tribunal to deal with motions as quickly as possible. The Registry of the Appeals Tribunal is working at capacity with its current complement of two legal officers and the Registrar, and there is no ability to provide further support to the judges without additional resources. The Tribunal holds three sessions each year, and the legal officers are constantly either finalizing work from the last session or preparing for the next one,

[20] In another case, the Appeals Tribunal held that the Dispute Tribunal could award costs for manifest abuse of proceedings where a delay is clearly and unmistakeably a "wrong or improper use of the proceedings of the court"; proof that the delay was frivolous or vexatious would satisfy that requirement.

[21] The figures were: 26 in 2010; 38 in 2011; 45 in 2012; and 39 in 2013.

as well as dealing with motions. The Tribunal cannot increase the number of cases and motions it adjudicates each year, and thereby avoid delay, without additional resources.

91. Accordingly, the Secretary-General recommends that the Registry of the Appeals Tribunal be strengthened by the addition of one P-3 Legal Officer.

F. Office of Staff Legal Assistance

1. Mandate

92. The Office of Staff Legal Assistance was established by the General Assembly as part of the current system of administration of justice to ensure that staff members receive independent and professional legal advice and representation. The Office is operationally independent and in its provision of legal assistance to staff members/clients it adheres to the Guiding Principles of Conduct for Office of Staff Legal Assistance Affiliated Counsel in the United Nations.[22]

93. The Office serves approximately 74,000 staff members in the Secretariat, offices away from Headquarters, peacekeeping and political missions, certain United Nations tribunals and 22 funds, programmes and other entities at every duty station of the Organization. It also serves former staff members and beneficiaries with respect to post-separation and benefit entitlements.

94. The Office provides a range of legal services to all categories of staff at all levels and at all stages of the formal dispute resolution process, from assistance with the management evaluation process through representation before the Tribunals and other recourse bodies.

95. The Office of the Ombudsman and Mediation Services frequently refers staff to the Office of Staff Legal Assistance for independent legal advice and representation during the informal dispute resolution process. As a result, the Office increasingly represents staff during mediation and in negotiations aimed at resolving conflicts.

96. The General Assembly, in its resolution 68/254, recognized the ongoing positive contribution of the Office of Staff Legal Assistance to the system of administration of justice and its importance as a filter in the system.

2. Caseload and activities

(a) Caseload and type of assistance rendered

97. In 2013, the Office of Staff Legal Assistance received 762 new cases and closed or resolved 781 cases, including cases carried over from previous years. As at 31 December 2013, there were 214 cases pending. The caseload is illustrated in table 6 below.

[22] See http://www.un.org/en/oaj/legalassist (document published March 2010).

Table 6
Office of Staff Legal Assistance: summary of cases for 2013

Cases carried over	*New cases*	*Cases closed or resolved*	*Cases pending at end of 2013*
233	762	781	214

98. The breakdown of the 762 new cases by type of assistance rendered is set out in table 7, which also provides the figures for previous years.

Table 7
Office of Staff Legal Assistance: types and number of cases received (2009-2013)

Types of cases	*Summary legal advice*	*Management evaluation matters*	*Representation before the Dispute Tribunal*	*Representation before the Appeals Tribunal*	*Disciplinary cases*	*Other recourse bodies*	***Total***
2009	169	62	128	10	155	74	**598**
2010	308	90	76	39	70	13	**596**
2011	358	119	115	21	55	10	**678**
2012	631	196	96	31	46	29	**1 029**[a]
2013	488	114	71[b]	33[c]	37	19	**762**

[a] The relatively higher number of cases in 2012 was due to a number of "class appeals", in which large groups of staff from the same United Nations entity facing the same issue approached OSLA for assistance, but each individual was counted as a case. Accordingly, the number of cases in 2013 is consistent with an overall annual increase in requests for assistance from OSLA.

[b] This figure differs from that of the UNDT Registry owing to differences in the dates cases were opened by OSLA and applications registered by the UNDT Registry or to changes in counsel.

[c] This figure differs from that of the UNAT Registry owing to differences in the dates cases were opened by OSLA and appeals registered by the UNAT Registry or to changes in counsel.

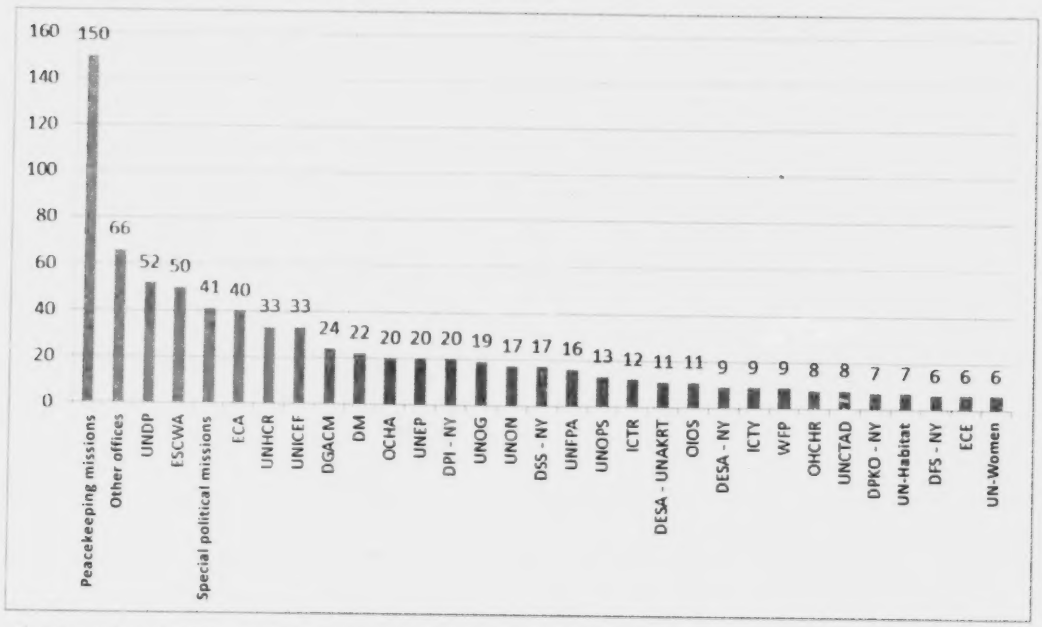
(b) Cases by subject matter

99. The subject matter of the 762 new cases received in 2013 was as follows: (a) benefits and entitlements (138 cases); (b) appointment-related matters other than non-selection or non-promotion (122 cases); (c) separation from service matters (other than non-renewal) (113 cases); (d) appointment-related non-selection and non-promotion (105 cases); (e) disciplinary matters (99 cases); (f) miscellaneous (99 cases); and (g) separation from service non-renewal matters (86 cases).

(c) Cases by client entity

100. Figure III provides a breakdown of the 762 new cases by United Nations entity in which the staff member was employed, namely, Secretariat departments or United Nations agencies, peacekeeping and political missions and funds or programmes.

Figure III
Cases by United Nations entity of the staff member[a]



[a] All entities with five or fewer cases are included under "Other offices".

101. It is clear from figure III that the single largest client group of the Office of Staff Legal Assistance is staff at peacekeeping missions. At the invitation of individual peacekeeping missions, and with assistance from DFS and financial support from individual missions, the Office conducted outreach missions to MONUSCO, UNAMID, ONUCI, MINUSMA, MINUSTAH, UNIFIL, UNAMI and the Regional Service Centre in Entebbe, Uganda, in 2013 and early 2014. Those outreach activities built on earlier visits by representatives of the Office to peacekeeping operations in 2010, 2011 and 2012 to inform staff about the role of the Office and the internal justice system. The visits raise awareness about the Office and its mandate among a broad cross-section of staff, staff associations, legal officers and senior managers, with the objective of ensuring that requests for information, legal advice and assistance from peacekeeping personnel are efficiently and effectively addressed, and provide an opportunity to disseminate information regarding the internal justice system, including both formal and informal dispute resolution, and to exchange views and share concerns. More such visits are planned in 2014.

102. Outreach activities took place with the funds and programmes and United Nations regional commissions in Beirut, Addis Ababa and Nairobi.

103. The Office also participated in training sessions with members of United Nations staff associations of the Secretariat and of the separately administered funds and programmes, both in New York and at field-based duty stations. The Office is regularly invited to conduct training activities coordinated by OHRM for new staff members.

(d) Cases by gender of staff member

104. The breakdown of the 762 new cases by gender was as follows: 448 cases from males (59 per cent) and 314 cases from females (41 per cent).

3. Representation

(a) Representation at management evaluation

105. The bulk of the written submissions of the Office of Staff Legal Assistance on behalf of staff member clients, both in the Secretariat and in the funds and programmes, relate to management evaluation. These cases are the subject of regular communication between the Office and the legal officers in the respective management evaluation units, and a significant number of cases are settled at this stage within the formal system. In 2013, the Office settled 33 cases (28 per cent) at the management evaluation stage.

(b) Representation before the Dispute Tribunal

106. As set out in table 7 above, 71 of the new cases in 2013 involved representation before the Dispute Tribunal. The breakdown of that figure by registry location was as follows: Nairobi (45 cases); New York (14 cases); and Geneva (12 cases).

107. The Office reviews its cases in consultation with its clients during the course of the litigation process. If, as a result of new information, it is considered that there is no reasonable prospect of success, the client is advised accordingly.

(c) Representation before the Appeals Tribunal

108. As set out in table 7, 33 of the new cases in 2013 involved representation before the Appeals Tribunal. In 22 of those cases, the Office of Staff Legal Assistance represents the staff member as respondent since the appeal was filed on behalf of the Secretary-General.

4. Informal dispute resolution

109. Reference was made above to the increased role of the Office of Staff Legal Assistance in representing staff members during formal mediation and in informal negotiations aimed at resolving conflicts.

110. The Office is uniquely placed in the system of administration of justice to engage in settlement discussions with the Administration, both in the Secretariat and the separately administered funds and programmes. To the extent possible, the Office makes concerted efforts to settle cases to avoid the risks and costs of litigation, including potential undesired reputational consequences for a staff member.

111. In 2013, the Office was involved in settling 70 cases involving the Secretariat and the funds and programmes at different stages of the formal or informal process. The breakdown of those cases is as follows: (a) management evaluation stage (33 cases); (b) United Nations Dispute Tribunal stage (18 cases); (c) summary advice stage (10 cases); (d) disciplinary (7 cases); (e) Central Examination Board (1 case); and (f) post classification (1 case).

5. Resources

112. The funding for the staffing of the Office of Staff Legal Assistance through the regular budget has not changed since its inception in 2009, although its workload has increased.[23] To augment its resources, the Office has continued to benefit from established contacts with a few volunteer lawyers working in other parts of the United Nations system, as well as informal arrangements with some private legal counsel. The Office also engages legal interns, both in New York and in its overseas offices.

113. In his previous reports, the Secretary-General identified the greatest challenge facing the Office as its obligation to respond to the high volume of requests for assistance with a limited number of staff and limited non-post resources.[24]

114. By its resolution 68/254, the General Assembly decided to implement, on an experimental basis, from 1 January 2014 to 31 December 2015, a voluntary payroll deduction from staff in order to supplement the funding of the Office of Staff Legal Assistance for the purpose of financing the additional resources required by the Office, as previously identified,[25] namely two P-4 legal officers, four General Service administrative assistants for the offices away from Headquarters and related non-post resources. Information on the implementation of the mechanism, opt-out rate and revenue generated is provided in section III of the present report.

G. Office of the Executive Director

115. The Office of the Executive Director plays an important role in maintaining the independence of the formal system and is responsible for the coordination of the independent elements of the formal system, including oversight and coordination of the Tribunal Registries and the Office of Staff Legal Assistance. The Office is responsible for the management and administration of the Office of Administration of Justice and provides assistance, as appropriate, to the Internal Justice Council. The Office of the Executive Director represents the formal system both within the United Nations and before external bodies and in all matters requiring interdepartmental coordination and consultation.

116. The Executive Director advises the Secretary-General on systemic issues relating to the administration of internal justice, represents the formal system both within the United Nations and before external bodies, liaises with the heads of other United Nations offices, including the Office of the Ombudsman and Mediation Services, and is responsible for disseminating information regarding the formal system of administration of justice. The Executive Director also prepares reports of the Secretary-General to the General Assembly on issues relating to administration of justice and is responsible for ensuring administrative and technical support to the Internal Justice Council.

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[23] The Office in New York consists of a Chief of Office (P-5), one P-3 legal officer, one P-2 associate legal officer and three General Service (Other level) administrative assistants. The Offices in Addis Ababa, Beirut, Geneva and Nairobi each consist of one P-3 legal officer. Since 15 February 2011, the Office has received general temporary assistance funding to support one other P-3 legal officer in Nairobi funded through the peacekeeping support account.

[24] A/66/275 and Corr.1, paras. 83-92. The Internal Justice Council also recommended additional resources: see A/67/98, para. 46; A/66/158, paras. 41-42; and A/65/304, paras. 70-73.

[25] See A/68/346, para. 129 and annex II; A/67/265 and Corr.1, annex II, para. 41.

117. The Office maintains a website which explains all aspects of the formal system in all six official languages and provides a search engine for researching the Tribunals' jurisprudence (see www.un.org/en/oaj). There were 120,765 visits to the website in 2013, an increase of 5 per cent over 2012. Some 30 per cent of the visits were by new visitors.

118. The Office continues to improve and update the structure and content of the website. A major revision of the website is currently under development in order to make it more user friendly and informative, especially for self-represented staff members.

119. Specifications for a new search engine to facilitate searching the jurisprudence of the Tribunals were elaborated in 2013 and development of the new search engine commenced in early 2014. In June 2014 an upgrade to the search engine was implemented to provide additional features and enhanced search capabilities. This upgrade, which constitutes a significant improvement, is an interim step towards the development of a new search engine with even greater search capabilities.

120. On 6 July 2011 a fully web-based court case management system was launched that permits staff members at any duty station to file their submissions to the Tribunals electronically and allows parties to monitor their cases electronically from any geographic location. In 2013, the Office continued to make improvements to the system and migrated it to a new platform providing continued support and improved performance.

121. The Office provided administrative and technical support to the Internal Justice Council, including with respect to the preparation of its annual report to the General Assembly on the implementation of the system of administration of justice at the United Nations and the identification of candidates to fill judicial vacancies.

H. Legal offices representing the Secretary-General as respondent

1. Legal offices representing the Secretary-General before the Dispute Tribunal

(a) Administrative Law Section, Office of Human Resources Management

122. The Administrative Law Section is comprised of the Appeals Unit and the Disciplinary Unit. The Section represents the Secretary-General in the majority of cases brought by staff members before the Dispute Tribunal. The Section is also responsible for ensuring the implementation of the final judgement in a case, whether issued by the Dispute Tribunal or the Appeals Tribunal. This means that the Section continues to handle a case after the Dispute Tribunal has completed its work on it.

123. Organizationally, the Section is located in the Human Resources Policy Service of the Office of Human Resources Management. Its legal officers are posted in New York and Nairobi. The Section works closely with other offices within the Office of Human Resources Management, as legal challenges before the Dispute Tribunal often focus on the interpretation and application of the Staff Rules, the Secretary-General's bulletins and other administrative issuances. The Section also advises managers in the Secretariat on the internal justice system, as well as about investigative and disciplinary processes.

124. In 2013, the Administrative Law Section handled 465 applications and motions brought by staff members of the Secretariat against the Secretary-General before the Dispute Tribunal. This number includes cases carried over from 2012 and earlier, as well as cases brought in 2013. This constitutes a 40 per cent increase in the number of applications and motions handled by the Section as compared to 2012 (333). Of the matters handled, 176 were new applications and motions received in 2013, a slight increase from 2012. The numbers of new cases received over the last three years have been relatively stable. In 2011, the Section received 162 new cases, and in 2012, it received 170 new cases. Accordingly, the 40 per cent increase in the number of cases handled between 2012 and 2013 may be attributed to the accumulation of cases pending resolution before the Dispute and Appeals Tribunals.[26]

125. Primarily, the applications and motions handled concerned challenges related to appointment, separation from service, other, benefits and entitlements, imposition of disciplinary measures or classification matters.

126. Table 8 provides a breakdown of the 465 applications and motions and a comparison with previous years.

Table 8
Breakdown of cases handled by Administrative Law Section (2010-2013)

Type of case handled[a]	*2010*[b]	*2011*[c]	*2012*[d]	*2013*[e]
Appointment	82	123	138	230
Separation from service	73	62	55	70
Other	30	43	48	59
Benefits and entitlements	42	40	43	52
Disciplinary	52	60	45	42
Classification	2	9	4	12
Total	**281**	**337**	**333**	**465**

[a] Includes all cases in which the Administrative Law Section represents the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications, requests for revision and interpretation.
[b] Includes cases carried over from 2009 and earlier, and cases received in 2010.
[c] Includes cases carried over from 2010 and earlier, and cases received in 2011.
[d] Includes cases carried over from 2011 and earlier, and cases received in 2012.
[e] Includes cases carried over from 2012 and earlier, and cases received in 2013.

127. In addition to handling applications and motions before the Dispute Tribunal, the Section liaises with the Office of Legal Affairs when the Dispute Tribunal issues a judgement. The Office of Legal Affairs determines whether to appeal the judgement to the Appeals Tribunal. Subsequent to final judgements by the Dispute Tribunal or the

[26] As at the end of 2013, close to 40 cases received by the Administrative Law Section in 2009, 2010 and 2011 remained pending before the Dispute Tribunal. As at the same date, close to 50 of the cases received by the Section in 2012 remained pending before the Dispute Tribunal. Of the 90 cases received from 2009 to 2012, two were pending before the Dispute Tribunal as a result of having been remanded by the Appeals Tribunal.

Appeals Tribunal, the Section obtains the information necessary and conveys the judgements to the relevant officials, including the Controller, for execution.

128. The Disciplinary Unit provides recommendations to senior management regarding the disposition of matters referred to the Office of Human Resources Management for possible disciplinary action. In 2013, the Disciplinary Unit handled 206 disciplinary matters. Information on disciplinary matters is published in an annual report of the Secretary-General to the General Assembly entitled "Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour" (see A/69/283 for information for the 12-month period ending 30 June 2014). The Disciplinary Unit also handles all the cases involving disciplinary measures before the Dispute Tribunal.

(b) United Nations Office at Geneva

129. Statistics for 2013 and previous years are provided below.

Table 9
United Nations Office at Geneva: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
27	–	4	1	4	11

[a] Includes all cases in which the Human Resources Legal Unit/UNOG represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of final outcomes pending before the Dispute Tribunal as at 31 December 2013 regardless of when the application was received, in cases in which the Human Resources Legal Unit/UNOG represents the Secretary-General as respondent.

Table 10
United Nations Office at Geneva: breakdown of cases before the United Nations Dispute Tribunal, 2010-2013

Type of case handled[a]	*2010*[b]	*2011*[c]	*2012*[d]	*2013*[e]
Appointment	22	5	8	14
Disciplinary	2	1	–	2
Separation from service	6	2	3	2
Benefits and entitlements	9	2	2	7
Other	14	4	5	3
Total	**53**	**14**	**18**	**28**

[a] Includes all cases where the Human Resources Legal Unit/UNOG represents the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.
[b] Includes cases carried over from 2009 and earlier, and cases received in 2010.
[c] Includes cases carried over from 2010 and earlier, and cases received in 2011.
[d] Includes cases carried over from 2011 and earlier, and cases received in 2012.
[e] Includes cases carried over from 2012 and earlier, and cases received in 2013.

(c) United Nations Office at Vienna/United Nations Office on Drugs and Crime

130. Statistics for 2013 and previous years are provided below.

Table 11
United Nations Office at Vienna: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
13	1	7	2	1	2

[a] Further to the adoption of resolution 66/237, it was decided that UNOG would provide legal services, in particular legal representation before the Dispute Tribunal, to UNOV and UNODC. Accordingly arrangements were made, which became effective 1 January 2013 and are thus relevant for the purposes of the above data. From the total of 13 cases that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received, 2 cases (filed in 2012) were retained by UNOV due to the complexity of the cases, 3 cases were transferred on paper but the representation was made by UNOV and no further representation was required in 2013 when these cases were adjudicated, 1 case is jointly represented by UNOV and UNOG, and 7 cases were/are represented before UNDT by UNOG on behalf of UNOV and in close coordination with UNOV. In sum, the above data includes all UNOV/UNODC cases out of which UNOV represented the Secretary-General as respondent in 5 cases and jointly represents with UNOG the Secretary-General as respondent in 1 case.

[b] Includes the total number of final outcomes pending before UNDT as at 31 December 2013 regardless of when the application was received. UNOG represents the Secretary-General as respondent in 1 case (in close coordination with UNOV) and UNOV jointly represents with UNOG the Secretary-General as respondent in the other (1) case.

Table 12
United Nations Office at Vienna: breakdown of cases before the United Nations Dispute Tribunal, 2010-2013

Type of case handled[a]	*2010*[b]	*2011*[c]	*2012*[d]	*2013*[e]
Appointment	9	12	8	5
Disciplinary	–	–	–	–
Separation from service	1	–	4	2
Benefits and entitlements	3	3	–	1
Classification	–	1	2	1
Other	7	12	6	4
Total	**20**	**28**	**20**	**13**

[a] Includes all cases in which the Human Resources Management Section/UNOV represents the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.

[b] Includes cases carried over from 2009 and earlier, and cases received in 2010.

[c] Includes cases carried over from 2010 and earlier, and cases received in 2011.

[d] Includes cases carried over from 2011 and earlier, and cases received in 2012.

[e] Includes cases carried over from 2012 and earlier, and cases received in 2013.

(d) United Nations Office at Nairobi

131. Statistics for 2013 and previous years are provided below.

Table 13
United Nations Office at Nairobi: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
31	8	1	–	2	20

[a] Includes all cases in which the Human Resources Management Section/UNON represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.

[b] Includes the total number of final outcomes pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where the Human Resources Management Section/UNON represented the Secretary-General as respondent.

Table 14
United Nations Office at Nairobi: breakdown of cases before the United Nations Dispute Tribunal, 2011-2013

Type of case handled[a]	*2011*[b]	*2012*[c]	*2013*[d]
Appointment	1	1	1
Disciplinary	–	–	–
Separation from service	3	4	2
Benefits and entitlements	3	4	17
Classification	1	4	9
Other	2	1	2
Total	**10**	**14**	**31**

[a] Includes all cases where the Human Resources Management Section/UNON represents the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.

[b] Includes cases carried over from 2010 and earlier, and cases received in 2011.

[c] Includes cases carried over from 2011 and earlier, and cases received in 2012.

[d] Includes cases carried over from 2012 and earlier, and cases received in 2013.

(e) United Nations Environment Programme

132. Statistics for 2013 and previous years are provided below.

Table 15
United Nations Environment Programme: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
15	8	1	–	–	6

[a] Includes all cases in which UNEP represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of final outcomes pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where UNEP represented the Secretary-General as respondent.

Table 16
United Nations Environment Programme: breakdown of cases before the United Nations Dispute Tribunal, 2010-2013

Type of case handled[a]	*2010*	*2011*	*2012*	*2013*
Appointment	–	–	–	–
Disciplinary	–	–	–	–
Separation from service	–	–	2	2
Benefits and entitlements	–	–	–	1
Classification	–	–	5	9
Other	–	1	–	3
Total	**–**	**1**	**7**	**15**

[a] Includes all cases in which UNEP represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.

(f) United Nations Human Settlements Programme

133. Statistics for 2013 and previous years are provided below.

Table 17
United Nations Human Settlements Programme: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
4	–	1	–	1[c]	2

[a] Includes all cases in which UN-Habitat represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of final outcomes pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where UN-Habitat represented the Secretary-General as respondent.
[c] Decision not technically overturned as staff member had separated.

Table 18
United Nations Human Settlement Programme: breakdown of cases before the United Nations Dispute Tribunal, 2010-2013

Type of case handled[a]	*2010*[b]	*2011*[c]	*2012*[d]	*2013*
Appointment	2	–	–	–
Disciplinary	–	1	–	–
Separation from service	–	1	1	2
Benefits and entitlements	1	1	–	–
Classification	–	–	–	–
Other	1	–	–	2
Total	**4**	**3**	**1**	**4**

[a] Includes all cases in which UN-Habitat represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.
[b] Includes cases carried over from 2009 and earlier, and cases received in 2010.
[c] Includes cases carried over from 2010 and earlier, and cases received in 2011.
[d] Includes cases carried over from 2011 and earlier, and cases received in 2012.

(g) United Nations Development Programme

134. The Legal Support Office of UNDP is an integrated legal office for UNDP and its affiliated agencies whose legal work spans all aspects of administrative, corporate and institutional law. The Administrative Law Practice of the office is comprised of six lawyers, including the Head of the Practice (P-5) and five Legal Officers (one P-5, three P-4 and one P-3), who are assisted by one General Service support staff (G-6). The office is responsible for handling all legal issues arising from the administration and management of all staff members on UNDP letters of appointment, including not only UNDP staff, but staff with 30 other agencies, entities or departments. The office is also responsible for the provision of advice and support on legal issues concerning United Nations Volunteers. In numerical terms, in 2013, the office was responsible for all legal issues arising in connection with the administration of approximately 21,000 individuals.

135. The Administrative Law Practice is engaged in all stages of both informal and formal resolution of staff grievances. At the informal stage, the office provides advice and guidance to managers with a view to preventing and resolving disputes at an early stage. When appropriate, the office also actively engages with the Ombudsman for the funds and programmes in the resolution of matters.

136. The Administrative Law Practice handles all requests for management evaluation, making recommendations to senior management on the disposition of such requests. The office also represents the Administration before the United Nations Dispute Tribunal, handling all applications and motions. Moreover, it coordinates with the Office of Legal Affairs regarding its representation of UNDP cases before the United Nations Appeals Tribunal, and is responsible for ensuring the implementation of the final judgements of the two Tribunals.

137. Another key function of the Administrative Law Practice is to process all disciplinary cases, including making recommendations to senior management regarding the imposition of interim measures, disciplinary sanctions and referrals to

national authorities. The office also provides legal advice on policies and responds to all legal queries on a wide array of issues ranging from private legal obligations and privileges and immunities to pursuing financial recovery and the conclusion of settlement agreements. In addition to providing extensive legal advice and handling all appeals and disciplinary cases, the office provides training courses to managers to raise awareness of relevant legal issues, including the internal justice system.

138. Statistics for 2013 and previous years are provided below.

Table 19
United Nations Development Programme: management evaluation cases as at 31 December 2013

Total management evaluation cases filed[a]	*Number of cases upheld*[b]	*Number of cases settled*[c]	*Number of cases appealed*[d]	*Number of cases carried forward*[e]	*Outcome of cases at the Dispute Tribunal*[f]			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
34	19	8	2	4	–	–	–	1

[a] Cases filed with the management evaluation unit within UNDP.
[b] Includes cases carried over from 2012 and earlier, and cases received in 2013.
[c] Includes all cases where the matter was settled in whole or in part as a result of management evaluation.
[d] Includes all cases that were appealed to UNDT in 2013.
[e] Includes all open cases that were not resolved in 2013 and were carried over to 2014.
[f] Includes all cases that were disposed of by UNDT in 2013 or were pending before UNDT as of 31 December 2013.

Table 20
United Nations Development Programme: breakdown of cases before the United Nations Dispute Tribunal, 2011-2013

Type of case handled[a]	*2011*[b]	*2012*[c]	*2013*[d]
Appointment	1	–	3
Disciplinary	8	7	2
Separation from service	11	7	7
Benefits and entitlements	–	–	–
Other	4	4	4
Total	**24**	**18**	**16**

[a] Includes all cases where UNDP represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.
[b] Includes cases carried over from 2010 and earlier and cases received in 2011.
[c] Includes cases carried over from 2011 and earlier and cases received in 2012.
[d] Includes cases carried over from 2012 and earlier and cases received in 2013.

Table 21
United Nations Development Programme: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
10	2	4	1	3	8

[a] Includes all cases for which UNDP represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of judgements pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where UNDP represented the Secretary-General as respondent.

(h) United Nations Children's Fund

139. Statistics for 2013 and previous years are provided below.

Table 22
United Nations Children's Fund: management evaluation cases as at 31 December 2013

Total management evaluation cases filed[a]	*Number of cases carried forward*[b]	*Number of cases upheld*	*Number of cases reversed*	*Number of cases settled*[c]	*Number of cases non-receivable*	*Number of cases withdrawn*	*Number of cases appealed to the Dispute Tribunal*[d]
17	3	10	1	2	4	3	4

[a] Includes cases filed with the management evaluation entity within UNICEF.
[b] Includes all open cases that were not resolved in 2013 and were carried over to 2014.
[c] Includes all cases where the matter was settled in whole or in part as a result of management evaluation.
[d] Includes all cases that were appealed to UNDT in 2013.

Table 23
United Nations Children's Fund: breakdown of cases before the United Nations Dispute Tribunal, 2011-2013

Type of case handled[a]	*2011*	*2012*	*2013*[b]
Appointment	14	1	–
Disciplinary	4	1	2
Separation from service	–	–	5
Benefits and entitlements	–	1	–
Other	–	–	4
Total	**18**	**3**	**11**

[a] Includes all cases where UNICEF represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.
[b] Includes all cases that were disposed of by UNDT in 2013 or were pending before UNDT as of 31 December 2013.

Table 24
United Nations Children's Fund: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
11	1	4	1	4	1

[a] Includes all cases for which UNICEF represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of judgements pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where UNICEF represented the Secretary-General as respondent.

(i) Office of the United Nations High Commissioner for Refugees

140. Statistics for 2013 and previous years are provided below.

Table 25
Office of the United Nations High Commissioner for Refugees: management evaluation cases as at 31 December 2013

Total management evaluation cases filed[a]	*Number of cases upheld*	*Number of cases settled*	*Number of cases appealed to the Dispute Tribunal*	*Number of cases carried forward*	*Outcome of cases at the Dispute Tribunal*			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
57	46	3	11	12	11	–	2	5

[a] Cases filed with the management evaluation entity within UNHCR.

Table 26
Office of the United Nations High Commissioner for Refugees: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
17	4	11	–	2	5

[a] Includes all cases for which UNHCR represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of judgements pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where UNHCR represented the Secretary-General as respondent.

Table 27

Office of the United Nations High Commissioner for Refugees breakdown of cases before the United Nations Dispute Tribunal, 2010-2013

Type of case handled[a]	*2010*	*2011*	*2012*	*2013*
Appointment	13	11	18	12
Disciplinary	4	–	1	1
Separation from service	3	13	1	1
Benefits and entitlements	1	1	–	–
Other	6	2	3	1
Total	**27**	**27**	**23**	**15**

[a] Includes all cases where UNHCR represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.

(j) United Nations Office for Project Services

141. Statistics for 2013 and previous years are provided below.

Table 28

United Nations Office for Project Services: management evaluation cases as at 31 December 2013[a]

Total management evaluation cases filed[b]	*Number of cases upheld*[c]	*Number of cases settled*[d]	*Number of cases appealed to the Dispute Tribunal*[e]	*Number of cases carried forward*[f]	*Outcome of cases at the Dispute Tribunal*[g]			
					Upheld[h]	*Partially upheld*	*Overturned*	*Pending*[i]
4	3	–	3	2	1	–	–	5

[a] Includes cases filed with the management evaluation entity within UNOPS.
[b] Excludes request-for-management-evaluation cases carried over from 2012.
[c] Includes 1 case carried over from 2012.
[d] Includes all cases where the matter was settled in whole or in part as a result of management evaluation.
[e] Includes all cases that were appealed to the UNDT in 2013.
[f] Includes all open cases that were not resolved in 2013 and were carried over to 2014.
[g] Includes all cases that were disposed of by the UNDT in 2013 or were pending before the UNDT as of 31 December 2013.
[h] Includes 2 cases filed before 2013.
[i] Includes 4 cases filed before 2013. Does not include one case that was settled after case filed.

Table 29
United Nations Office for Project Services: breakdown of cases before the United Nations Dispute Tribunal, 2010-2013

Type of case handled	*2010*	*2011*	*2012*	*2013*
Appointment[a]	–	–	–	1
Disciplinary	2	1[d]	4[h]	2[l]
Separation from service	4[b]	3[e]	2[i]	3[m]
Benefits and entitlements	3[c]	2[f]	2[j]	2[n]
Other	–	–	1	3[o]
Total	**9**	**6**[g]	**9**[k]	**11**

[a] Does not include cases where the staff member's post was abolished and the staff member was separated after non-selection for another post.
[b] Includes 2 cases that were subject of one judgement, and 1 suspension-of-action case where the staff member prevailed but did not pursue the case on the merits.
[c] Includes 1 case that was settled.
[d] Carried over from 2010.
[e] Includes 2 cases carried over from 2010.
[f] Includes 1 case carried over from 2010 and then settled.
[g] Includes 3 cases carried over from 2010.
[h] Includes 1 case carried over from 2010/2011, and 2 cases filed in 2012 regarding disciplinary decisions made in 2011.
[i] Includes 1 case carried over from 2011.
[j] Includes 2 cases carried over from 2011.
[k] Includes 4 cases carried over from 2011.
[l] Includes 2 cases filed before 2013.
[m] Includes 1 case filed before 2013.
[n] Includes 1 case filed before 2013.
[o] Includes 3 cases filed before 2013.

Table 30
United Nations Office for Project Services: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
4	1 (settled)	5	–	–	5

[a] Includes all cases for which UNOPS represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2013, regardless of when the application was received.
[b] Includes the total number of judgements pending before UNDT as at 31 December 2013 regardless of when the application was received, in cases where UNOPS represented the Secretary-General as respondent.

(k) United Nations Population Fund

142. Statistics for 2013 and previous years are provided below.

Table 31
United Nations Population Fund: management evaluation cases as at 31 December 2013

Total management evaluation cases filed	*Number of cases upheld*	*Number of cases settled*[a]	*Number of cases appealed to the Dispute Tribunal*[b]	*Number of cases carried forward*[c]	*Outcome of cases at the Dispute Tribunal*[d]			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
10	10	1	1	2	1	–	–	2

[a] Includes all cases where the matter was settled in whole or in part as a result of management evaluation.
[b] Includes all cases that were appealed to UNDT in 2012.
[c] Includes all open cases that were not resolved in 2012 and were carried over to 2013.
[d] Includes all cases that were disposed of by UNDT in 2012 or were pending before UNDT as of 31 December 2012; two additional cases were withdrawn in 2012.

Table 32
United Nations Population Fund: breakdown of cases before the United Nations Dispute Tribunal, 2011-2013

Type of case handled[a]	*2011*	*2012*	*2013*
Appointment	–	3	1
Disciplinary	3	2	–
Separation from service	4	4	1
Benefits and entitlements	–	–	–
Other	–	–	–
Total	**7**	**9**	**2**

[a] Includes all cases where UNFPA represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension-of-action applications.

Table 33
United Nations Population Fund: outcome of cases before the United Nations Dispute Tribunal, 2013

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
3		1			2

[a] Includes all cases for which UNFPA represented the Secretary-General as respondent (including suspension-of-action applications) that were disposed of by UNDT or were otherwise settled in 2012, regardless of when the application was received.
[b] Includes the total number of judgements pending before UNDT as at 31 December 2012 regardless of when the application was received, in cases where UNFPA represented the Secretary-General as respondent.

2. Representation of the Secretary-General before the Appeals Tribunal

Office of Legal Affairs

143. As the central legal service of the Organization, the Office of Legal Affairs of the Secretariat provides legal advice to the Secretary-General, Secretariat

departments and offices, funds and programmes and other entities of the United Nations system in a number of areas, including the administration of justice system. Within the Office, the organizational unit entrusted with the responsibility for providing legal advice regarding administration and management matters is the General Legal Division.

144. The functions of the Division include: reviewing each and every administrative issuance relating to human resources management policy for consistency and accuracy prior to its promulgation; providing legal advice, assistance and support concerning the interpretation of the Charter of the United Nations, the resolutions and decisions of the General Assembly, the Staff Regulations and Rules, the mandates of programmes and activities in which United Nations organs are engaged and other administrative issuances of the Organization; and providing legal advice on matters before an administrative decision is taken, including by legally clearing recommendations for the dismissal of staff members.

145. In addition, the Division reviews and analyses each and every judgement of the Dispute Tribunal and the Appeals Tribunal, thereby developing a comprehensive view of the jurisprudence in the administration of justice system. The Division draws on this analysis when it provides legal advice during the early stages of a claim advanced by a staff member, well before such a claim has progressed to litigation. The Division also uses this analysis to provide case-specific advice to the entities representing the Secretary-General at the first level of the judicial process and to brief them generally on legal developments. Such advice and briefing ensure coordination and consistency in the legal strategies and arguments advanced by the Secretary-General on issues of policy and principle. The Division further uses this analysis when determining whether appealing a given judgement of the Dispute Tribunal is in the interest of the Organization. Thus, the Division reviewed all 296 judgements of the Dispute Tribunal and the Appeals Tribunal that were decided in 2013.

146. The Division is also responsible for the representation of the Secretary-General before the Appeals Tribunal. This responsibility encompasses both the filing of appeals against judgements of the Dispute Tribunal and responding to appeals filed by staff members. It also involves filing motions and responses to motions, as well as oral advocacy in support of the Secretary-General at hearings before the Appeals Tribunal. Once judgements are released, the Division further provides advice on their implementation and on responses to inquiries regarding their implications. In 2013, the Appeals Tribunal rendered 95 judgements in cases in which the Secretary-General was a party.

III. Responses to questions relating to administration of justice

A. Overview

147. In its resolution 68/254, the General Assembly made a number of requests to the Secretary-General for information, proposals and recommendations for consideration at its sixty-ninth session.

148. In paragraph 2 of the resolution, the General Assembly endorsed certain recommendations made by the Advisory Committee on Administrative and

Budgetary Questions in its report[27] for reports from the Secretary-General to be submitted to it at the main part of its sixty-ninth session.

149. This section responds to these various requests.

B. Responses

1. Revised proposal for conducting an interim independent assessment of the system of the administration of justice at the United Nations

150. In paragraphs 11 and 12 of its resolution 68/254, the General Assembly requested the Secretary-General to present for its consideration at the sixty-ninth session a revised proposal for conducting an interim independent assessment of the system of administration of justice in all its aspects, with particular attention to the formal system and its relation with the informal system, including an analysis of whether the aims and objectives of the system set out in its resolution 61/261 were being achieved in an efficient and cost-effective manner. The said assessment was to be carried out in a cost-efficient manner by independent experts, including experts familiar with internal labour dispute mechanisms.

151. The revised proposal requested by the General Assembly is set out in annex II to the present report. The resource requirements are set out in paragraphs 212 to 214 below.

152. In order for the assessment to be carried out in a cost-efficient manner, the panel will make the greatest possible use of technology in its work, including by working remotely and through the use of videoconferencing and teleconferencing to minimize travel-related costs.

153. It is recognized, however, that the panel will need to travel in the course of its work to undertake the consultations reflected in the revised proposal. In this regard, it is expected that the panel will need to visit the three seats of the Dispute Tribunal and at least one peacekeeping mission.

154. Provision will also need to be made for related costs, including communications and office supplies.

2. Institutionalization of good management practices

155. In paragraph 13 of resolution 68/254, the General Assembly stressed the importance of good management practices in promoting a positive and transparent work environment in order to address the underlying factors that give rise to disputes in the workplace and requested the Secretary-General to report on efforts made in this regard at the main part of its sixty-ninth session.

156. In providing assistance to the Under-Secretary-General for Management, the Management Evaluation Unit reviews requests while identifying trends and systemic issues, which are subsequently set out in its reports. The Unit also provides support to the Under-Secretary-General in the compilation of the lessons-learned guides for managers and guidance notes that are circulated to all heads of offices and departments and, through them, to their managers. There are three lessons-learned guides for managers (termination/non-renewal of contract, selection of staff,

[27] A/68/530.

disciplinary measures: a guide on performance management is in the advanced preparation stage) include a review of the jurisprudence of the Tribunals and examine how the judgements interpret and apply the internal laws of the Organization.

157. The Secretary-General consistently makes every effort to institutionalize good management practices in order to address the underlying factors that give rise to disputes in the workplace, in particular: lack of timely and open dialogue in performance evaluation issues between managers and staff members; lack of full understanding by managers of the internal laws and procedures of the Organization; and lack of clarity of some elements of the laws and the general managerial challenges of making and communicating administrative decisions. In December 2013, the Chef de Cabinet sent a memorandum to managers reminding them of their obligations in terms of performance management and avoiding administrative delays.

158. Good management practices are being identified through the work of the Management Evaluation Unit. The judgements of the Tribunals also provide important guidance as to the interpretation and application of the internal laws. Management evaluation letters serve as a very important instrument as they contain a detailed and reasoned explanation setting out the basis for the evaluation. The outcome and lessons learned from the management evaluation process are also included in biannual reports of the Unit, which highlight, inter alia, systemic and problematic issues for managers.

3. Performance appraisal system

159. In paragraph 15 of resolution 68/254, the General Assembly requested the Secretary-General to redouble his efforts to continue to develop and implement a credible, fair and fully functioning performance appraisal system.

160. The Office of Human Resources Management notes that improving performance management is a long-standing objective of the Organization. The Office has been working in collaboration with other stakeholders to improve performance management in the Secretariat. A comprehensive proposal, which includes a revised policy, as well as tools, training and guidance, will be presented to the General Assembly at its sixty-ninth session. One of the key aims is to ensure greater engagement and accountability on the part of senior management. Therefore, in addition to revising the policy, performance management has been inserted as an indicator in the senior manager's compact. This will ensure periodic monitoring by the Management Committee, which is expected to increase senior management engagement and the consistency and fairness of ratings across the Secretariat.

4. Measures to encourage informal dispute resolution

161. In paragraph 17 of its resolution 68/254, the General Assembly requested the Secretary-General to recommend to the Assembly at its sixty-ninth session additional innovative measures to encourage recourse to informal resolution of disputes.

162. The Management Evaluation Unit reminds staff members in each and every acknowledgment letter on a management evaluation request of the availability of informal conflict resolution. If, during its review, the Unit identifies a management

evaluation request which, in its view, has a potential for settlement that both the staff member and the administration may not have identified, it reaches out to the staff member and/or the administration to propose consideration of informal settlement.

5. Progress on implementation of recommendations to address systemic and cross-cutting issues

163. In paragraph 20 of its resolution 68/254, the General Assembly welcomed the recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, and requested the Secretary-General to report to the Assembly at the main part of its sixty-ninth session on progress made on the implementation of those recommendations.

164. The requested report is contained in annex III to the present report.

6. Timely responses by management to requests of the Ombudsman's Office

165. In paragraph 22 of its resolution 68/254, the General Assembly requested the Secretary-General to continue to ensure that management responds to requests of the Office of the Ombudsman and Mediation Services in a timely manner.

166. The Organization makes every effort to respond to requests in a timely manner and the Secretary-General will continue to ensure that management responds to requests in a timely manner.

7. Revised terms of reference for the Office of the United Nations Ombudsman and Mediation Services

167. In paragraph 24 of its resolution 68/254, the General Assembly reiterated its previous requests that the Secretary-General report to the Assembly on the revised terms of reference for the Office of the United Nations Ombudsman and Mediation Services and also requested the Secretary-General to ensure that the terms of reference and guidelines for the Office are promulgated as soon as possible.

168. During the period, further consultations took place with respect to the revised terms of reference and it is envisaged that the amended Secretary-General's bulletin will be promulgated before the end of the year.

8. Data and emerging trends

169. In paragraph 27 of its resolution 68/254, the General Assembly requested the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the Dispute Tribunal in order to identify any emerging trends and to include his observations on those statistics in future reports.

170. Data concerning the caseloads of the Management Evaluation Unit and Dispute Tribunal are reported in the relevant sections of the present report (sect. II.B and II.D, respectively). Observations with respect to the data are included in the observations section of the report (sect. II.A).

9. Proposed amendment of the statute of the Appeals Tribunal

171. In paragraph 30 of its resolution 68/254, the General Assembly requested the Secretary-General to propose an amendment to the statute of the Appeals Tribunal,

taking into account the recommendation of the Internal Justice Council relating to qualifications of Appeals Tribunal judges.

172. The proposed amendment is set out in annex IV to the present report, with the language in bold indicating the proposed amendments.

173. Should the General Assembly approve the proposed amendment, it may wish, for the sake of consistency, to consider whether comparable provisions with respect to impartiality, fluency in at least one of the working languages and state of health should also be reflected in an amendment to the statute of the Dispute Tribunal.

10. Privileges and immunities of the judges of the Tribunals

174. In paragraph 31 of its resolution 68/254, the General Assembly requested the Secretary-General to examine further the issue of the immunities of the judges of the Dispute Tribunal and Appeals Tribunal and to present to the Assembly at its sixty-ninth session recommendations that would not result in a change in the rank or conditions of service of the judges, and invited the Sixth Committee to consider such recommendations, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with the responsibility for administrative and budgetary matters.

175. The Secretary-General's report on his further examination of this issue is set out in annex V to the present report. The Secretary-General recommends that the statutes of the Tribunals be amended to reflect the privileges and immunities accorded to the judges as decided upon by the General Assembly.

11. Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance

176. In paragraphs 33 and 34 of its resolution 68/254, the General Assembly requested the Secretary-General to report on the implementation of the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance and to track, on a monthly basis, the opt-out rate and the voluntary contributions by staff under the said mechanism. The Assembly also authorized the Secretary-General to enter into commitments from these contributions to finance additional resources for the Office during the experimental phase of the mechanism. In paragraph 36 of the resolution, the Assembly stressed the need to raise awareness among staff of the importance of their financial contributions to the Office.

177. Information circular ST/IC/2014/9, dated 28 February 2014, was issued by the Department of Management to inform staff members about the mechanism. The circular was provided to the separately administered funds and programmes to be used as the basis for their own communications to staff concerning the mechanism and its implementation. The mechanism was the subject of several iSeek articles and broadcast e-mails to staff from the Office of Administration of Justice, including communications from the Office of Staff Legal Assistance responding to frequently-asked questions.[28] Staff unions and associations issued their own communications to their members, urging them to opt out of the mechanism.

[28] The Office of Staff Legal Assistance also is in the process of expanding the information available on the Office of Administration of Justice website and is developing new informational pamphlets on its services.

178. The automatic monthly payroll deduction of 0.05 per cent of net base salary for those staff members who did not opt out commenced with the April 2014 payroll.[29] The payslips of such staff members include a notation to indicate the amount of the deduction. Staff members may opt out or opt back in at any time during the two-year experimental period. Staff members also were given the option of making a voluntary one-time payroll deduction of 0.05 per cent of net base salary for the months of January, February and March 2014 if they wished to do so. Pursuant to the instruction of the General Assembly, staff members may use the services of the Office of Staff Legal Assistance even if they choose to opt out.

179. The aggregate monthly opt-out rates and voluntary contributions by staff (in United States dollars) pursuant to the mechanism for April, May and June 2014 are set out in table 34.

Table 34

Monthly opt-out rates and staff contributions under the voluntary supplemental funding mechanism

(In United States dollars)

	April 2014			*May 2014*		*June 2014*	
Entity	*Opt out rate (percentage)*	*Contributions*	*One-time payroll deduction*	*Opt out rate (percentage)*	*Contributions*	*Opt out rate (percentage)*	*Contributions*
UNHQ[a]	30.05	29 979.55	75.61	37.29	27 246.30	40.80	26 112.54
UNON[b]	58.00	2 162.54	1 141.49	62.00	1 912.80	66.00	1 789.20
UNOG[c]	61.00	6 509.00		54.00	7 674.00	58.00	6 603.00
UNOV	69.87	1 114.10		68.74	1 234.17	72.65	967.76
ICTY	41.00	1 105.60		42.00	1 051.65	42.00	1 019.23
MICT	40.00	185.88		38.00	183.50	37.00	183.24
ECA	22.60	1 171.15		26.96	911.58	27.94	917.44
ESCWA	34.00	626.10		50.50	461.66	54.50	418.80
ECLAC	71.79	520.23		76.34	393.51	78.45	365.71
ESCAP	76.00	485.72		77.00	484.73	79.00	437.34
UNHCR	35.28	8 935.31		36.65	8 324.03	38.62	8 151.82
Total		**52 795.18**	**1 217.10**		**49 877.93**		**46 966.08**

[a] The figures for United Nations Headquarters include data for ICTR.

[b] The figures for UNON represent an aggregate of all staff members administered by UNON, including staff of UNEP, UN-Habitat, OIOS Nairobi and UNODC.

[c] The figures for UNOG represent an aggregate of all staff members administered by UNOG, including staff of ECE, UNCTAD, UNIDIR, UNRISD, UNCBD, ITC, UNCCD and UNFCCC.

12. Disputes involving non-staff personnel

180. In paragraph 37 of its resolution 68/254, the General Assembly requested the Secretary-General to continue to include information on disputes involving non-staff personnel in the context of both management evaluation and informal mediation in

[29] UNDP, UNICEF and UNFPA were unable to implement the mechanism commencing with the April 2014 payroll and anticipated implementation with the July 2014 payroll.

his respective reports, and also reiterated its request that he provide information on existing measures to institutionalize good management practices that aim to avoid or mitigate disputes involving the different categories of non-staff personnel.

181. From 1 July 2009 to 31 December 2013, the Management Evaluation Unit received 27 management evaluation requests from non-staff personnel, the equivalent of six per year This group included 10 United Nations Volunteers, five judges of the United Nations system, four consultants, three interns, one contractor, one military observer, one lawyer, one volunteer and one police adviser. In 2013, the Unit received requests from four judges, three consultants and two United Nations Volunteers.

182. Information on disputes involving non-staff personnel in the context of informal mediation is contained in the separate report of the Secretary-General on the Office of the Ombudsman and Mediation Services (A/69/126, para. 18).

13. Code of professional conduct for external legal representatives

183. In paragraph 38 of its resolution 68/254, the General Assembly stressed the need to ensure that all individuals acting as legal representatives, whether they are staff members representing other staff members, staff members representing themselves or external counsel representing staff members, are subject to the same standards of professional conduct applicable in the United Nations system and requested the Secretary-General to present a code of conduct for external legal representatives, including appropriate sanctions for breaches thereof as safeguards against frivolous applications, to the Assembly at its sixty-ninth session.

184. A proposed code of professional conduct for external legal representatives is contained in annex VI to the present report.

14. Accountability of individuals where violations of the Organization's rules have led to financial loss

185. In paragraph 42 of its resolution 68/254, the General Assembly requested the Secretary-General to present proposals with reference to the accountability of all individuals in cases where violations of the Organization's rules and procedures have led to financial loss.

186. The Secretary-General may take concrete steps to realize accountability as a result of management evaluation requests, including:

(a) To modify or change the impugned decision where it has been determined that the manager has improperly exercised his or her delegated authority when making that decision, thereby withdrawing the decision-making authority of the manager for that particular decision;

(b) To speak to the manager concerning the contested decision, explaining why the decision was improper and discussing lessons learned;

(c) To refer a case for investigation, where it has been determined that the improper exercise of delegated authority by the manager might rise to the level of possible misconduct;

(d) To place a note on the official status file of the manager taking note of the improper decision, subject to the provisions of ST/AI/292 on the filing of adverse material in personnel records;

(e) To introduce specific performance evaluation objectives for the manager, where it has been determined that the contested decision was taken as a result of poor management;

(f) To require that a manager attend training in the light of the taking of an improper decision;

(g) To decide that the performance of a manager be specifically assessed in view of a poor administrative decision that was reversed.

187. The Management Evaluation Unit may make accountability recommendations with regard to requests which are settled, and sometimes also with regard to requests in which an administrative decision is deemed not receivable or upheld, but the decision maker otherwise caused potential risks for the Organization. In 2013, the Unit made 12 accountability recommendations. In terms of accountability, the Unit made the following recommendations in 2013:

(a) Taking of performance management training (2 cases);

(b) Ordering a desk officer to comment on the delay in handling entitlement and disability claims; the response is under review (1 case);

(c) Referring to a settlement in a manager's performance evaluation (2 cases);

(d) Investigating a manager's conduct (2 cases);

(e) Cautioning managers of specific managerial risks (3 cases);

(f) Ordering review of faulty administrative procedures (2 cases).

188. In all settled requests, including where monetary compensation was paid, the matter was analysed individually in order to establish whether there was a managerial failure and, if so, how serious it was, whether there was "intent", and what the appropriate accountability measures would be. Having a single approach with automatic sanctioning of decision makers in the event of a genuine mistake would not have been appropriate, nor could it be expected to more effectively reduce the number of mistakes than could be achieved through the use of learning and development measures. Out of the settlements reached in 2013, six settled entitlements or amounts which were otherwise due to the staff members; in four settlements compensation was paid.

189. The separately administered funds and programmes made every effort to hold managers accountable for poor decision-making and took appropriate action to recover any financial loss to the Organization in cases of misconduct.

190. Pursuant to article 10 (8) of the statute of the Dispute Tribunal, it may refer appropriate cases to the Secretary-General or the executive heads of separately administered United Nations funds and programmes for possible action to enforce accountability. Every referral is carefully reviewed in order to determine an appropriate course of action.

15. Search engine

191. In paragraph 43 of its resolution 68/254, the General Assembly stressed the growing need for a modernized and upgraded search engine to facilitate streamlined access to the Tribunals' jurisprudence.

192. The Office of Administration of Justice, working with the Office of Information and Communications Technology, has developed, and in June 2014 implemented, an upgrade to the search engine to provide additional features and enhanced search capabilities. The upgrade, which constitutes a significant improvement, is an interim step towards the development of a new search engine with even more advanced search capabilities.

16. Appeals Tribunal outcomes

193. In paragraph 7 of its report on the administration of justice (A/68/530), the Advisory Committee on Administrative and Budgetary Questions requested the Secretary-General to analyse the reasons for the disparity between the outcomes of appeals filed on behalf of the Secretary-General as compared to appeals filed by staff members.

194. In the same way as any independent and professional judiciary decides its cases, the Appeals Tribunal reaches its conclusions in each of its judgements based on its analysis of the law and the particular facts of the case. There is likely to be no single factor that could explain the disparity in judgements in favour of the Secretary-General as compared to judgements in favour of staff members.

195. One factor could be that a staff member, as compared to the Secretary-General, is willing to file an appeal, even if there is a significant risk that the judgement will not be decided in his or her favour. The Secretary-General files an appeal when, in his view, there are strong legal grounds to do so and when it raises important legal issues that require a resolution by the Appeals Tribunal.

196. The Secretary-General notes that, in a small number of cases, the Appeals Tribunal reduced the amount of compensation awarded by the Dispute Tribunal, but that an underlying liability finding in favour of the staff member or other relief awarded to the staff member by the Dispute Tribunal was not changed by the Appeals Tribunal. Accordingly, while such cases may be formally classified as a favourable outcome for the Secretary-General on appeal, the staff member also achieved a favourable outcome on the merits.

17. Importance of the lessons-learned guides and concrete results in managerial actions

197. In paragraph 12 of its report on the administration of justice (A/68/530), the Advisory Committee on Administrative and Budgetary Questions affirmed the importance of lessons-learned guides on the Tribunals' jurisprudence and expected that the lessons learned would produce concrete results in managerial actions.

198. The lessons-learned guides are distributed to senior and line managers and are available on the Intranet site of the Department of Management. The guides contribute to the awareness of managers of their responsibilities, remind them to follow the internal laws of the Organization at all times and identify crucial areas such as selection procedures, non-renewal of contracts and disciplinary matters.

18. Secretary-General's bulletin

199. In paragraph 34 of its report on the administration of justice (A/68/530), the Advisory Committee on Administrative and Budgetary Questions commended the steps taken by the Secretary-General to ensure that the relevant provisions of the Convention on the Rights of Persons with Disabilities are observed in the workplace and looked forward to the issuance of the Secretary-General's bulletin on accessibility for persons with disabilities at the United Nations.

200. After a broad consultation process, and building on the work of the Interdepartmental Task Force on Accessibility, the Office of Human Resources Management has prepared a Secretary-General's bulletin on employment and accessibility for staff members with disabilities in the Secretariat. The bulletin, which will be issued shortly, will establish United Nations policy on reasonable accommodation for staff members with disabilities. Reasonable accommodation is defined as necessary and appropriate modification and adjustments in the workplace where needed in a particular case, and where such accommodation does not impose a disproportionate or undue burden on the Organization, in order to allow staff members with disabilities, at all duty stations, to discharge their official functions. Such reasonable accommodation must be made within existing resources or with additional resources approved for this purpose by the General Assembly. Reasonable accommodation may include adjustment and modification of equipment, modification of job content, working time, commuting and work organization for the staff member concerned.

IV. Other matters

Proposed mechanism for addressing potential complaints under the code of conduct for judges of the Tribunals

201. By its resolution 66/106, the General Assembly approved a code of conduct for the judges of the Dispute Tribunal and the Appeals Tribunal, which was annexed thereto.

202. Attached to the present report, as annex VII, for approval by the General Assembly, is a proposed mechanism for addressing potential complaints under the above-mentioned code.

203. Any financial implications arising from the implementation of the mechanism will be met, to the extent possible, from within existing resources and reported in the Secretary-General's annual report on administration of justice at the United Nations.

Compensation recommended by the Management Evaluation Unit and awarded by the Tribunals

204. Information on the amount of compensation recommended by the Management Evaluation Unit and awarded by the Dispute Tribunal and the Appeals Tribunal in 2013 is set out in annex VIII to the present report.

V. Resource requirements

205. Resource requirements for the proposals described above for the biennium 2014-2015 amount to $2,685,800 (net of staff assessment). The estimated costs associated with the proposals are summarized below by budget section.

Table 35
Resource requirements by programme budget section
(Thousands of United States dollars)

Budget section	*2014-2015 initial appropriation*	*Additional requirements*	*2014-2015 revised estimate*
1. Overall policymaking, direction and coordination	117 599.8	2 580.5	120 180.3
29D. Office of Central Support Services, by object of expenditure	192 027.0	105.3	192 132.3
Net additional requirements	**309 626.8**	**2 685.8**	**312 312.6**
36. Staff assessment	486 831.8	147.9	486 979.7
Gross total all budget sections	**796 458.6**	**2 833.7**	**799 292.3**

Proposed extension of the ad litem judges from 1 January to 31 December 2015

206. With respect to the Dispute Tribunal and its Registries, for the reasons set out in paragraphs 59 to 62 above, the Secretary-General recommends that the General Assembly extend the three ad litem judge positions, including judges presently sitting thereon, from 1 January to 31 December 2015 and, if the Assembly has not already done so, appoint an ad litem judge in Geneva, for a term ending on 31 December 2015, and approve, for the same period, the current staffing complement and related resources in support of the ad litem judges.

207. The extension of the ad litem judges for the period from 1 January to 31 December 2015 would entail additional resource requirements of $1,660,000 under section 1, Overall policymaking, direction and coordination, including non-staff compensation for the continuation of the three full-time ad litem judges in each of the locations of the Dispute Tribunal in New York, Geneva and Nairobi ($864,100), general temporary assistance for the continuation of three P-3 Legal Officers and three Administrative Assistants to provide legal and administrative support to the judges ($772,500), as well as amounts for information technology support ($11,700), communications ($7,200) and supplies ($4,500) for the aforesaid positions.

208. The extension of the ad litem judges for the period from 1 January to 31 December 2015 would entail additional resource requirements of $47,700 under section 29D, Office of Central Support Services, for the rental of premises for the full-time ad litem judge and support staff located in New York.

Proposed Legal Officer at the P-3 level in the United Nations Appeals Tribunal Registry

209. With respect to the Appeals Tribunal and its Registry, for the reasons set out in paragraphs 89 and 90 above, the Secretary-General recommends that the General

Assembly approve one additional P-3 established post for a Legal Officer and related non-post resources for the Appeals Tribunal Registry.

210. The establishment of a P-3 post in 2015 would entail additional resource requirements of $151,700 under section 1, Overall policymaking, direction and coordination, including for a P-3 level post ($147,600), and related amounts for information technology support, communications and supplies ($2,200), as well as one-time costs for related equipment and services ($1,900).

211. The establishment of a P-3 post would also entail additional resources requirements of $57,600 under section 29D, Office of Central Support Services, for rental or premises ($15,900) and one-time costs for alterations and furniture ($41,700).

Revised proposal for conducting an interim independent assessment of the system of administration of justice at the United Nations

212. With respect to the proposed interim independent assessment, for the reasons set out in paragraphs 150 to 154 above, the Secretary-General recommends that the General Assembly approve the revised terms of reference to be carried out by a five-member panel in 2015.

213. It is expected that the panel would carry out its work over a six-month period and would work remotely for at least four months of that period. The panel would require the use of video and teleconferencing equipment in order to minimize travel costs, although it is expected that travel to Geneva, Nairobi and a peacekeeping mission would be necessary. It is proposed that the panel be supported by a Secretary at the D-1 level to provide substantive, logistical and technical support. The Secretary's duties and responsibilities would include: liaising with United Nations departments and offices, separately administered funds and programmes, staff unions and associations, the Internal Justice Council and other relevant stakeholders and entities on behalf of the panel and in connection with its mandate; identifying, gathering and analysing relevant documentation; conducting legal and other research and analysis; preparing briefing notes and other written materials; organizing missions for the panel for the purpose of holding consultations; organizing interviews and making records thereof; and carrying out other tasks as required by the panel.

214. The proposed interim independent assessment would entail one-time additional resource requirements of $768,800 under section 1, Overall policymaking, direction and coordination, including for remuneration (Level D consultants) ($391,200) and travel ($197,500) for the five members of the panel, general temporary assistance equivalent to six months at the D-1 level for a Secretary to support the panel ($130,500), official travel of staff for the Secretary to accompany panel members on their visits ($20,300), amounts for videoconferencing ($9,200) and related amounts for information technology support ($3,700) and communication expenses ($16,400).

VI. Conclusions and actions to be taken by the General Assembly

215. **The Secretary-General requests the General Assembly to give due consideration to the recommendations and proposals contained in the present report.**

216. **Accordingly, the Secretary-General requests the General Assembly to:**

(a) **Approve the extension of the three ad litem judge positions, including the extension of the sitting ad litem judges, and the staffing complement that support them, for one year, from 1 January to 31 December 2015;**

(b) **Approve the addition of one P-3 legal officer to the staffing of the Registry of the Appeals Tribunal;**

(c) **Approve the revised proposal for an interim independent assessment of the United Nations system of administration of justice;**

(d) **Take note of the efforts being made to institutionalize good management practices in order to address the underlying factors that give rise to disputes in the workplace;**

(e) **Take note of the efforts being made to continue to develop and implement a credible, fair and fully functioning performance appraisal system;**

(f) **Take note of the measures to encourage recourse to informal resolution of disputes;**

(g) **Take note of the progress made in the implementation of the recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services;**

(h) **Take note of the information provided with respect to ensuring that management responds to requests of the Office of the United Nations Ombudsman and Mediation Services in a timely manner;**

(i) **Take note of the information provided with respect to revised terms of reference for the Office of the Ombudsman and Mediation Services;**

(j) **Take note of the data provided with respect to cases within the formal system of administration of justice and the observations made with respect to the data and emerging trends;**

(k) **Approve the proposed amendment to the statute of the Appeals Tribunal, taking into account the recommendations of the Internal Justice Council relating to the qualifications of Appeals Tribunal judges;**

(l) **Consider approving a comparable amendment to the statute of the Dispute Tribunal to include the requirements of impartiality, fluency in at least one of the working languages of that Tribunal and state of health appropriate for effective service;**

(m) **Take note of the report on the further examination of the privileges and immunities of the judges of the Tribunals and approve amendment of the statutes of the Tribunals to reflect the privileges and immunities accorded to the judges as decided upon by the General Assembly;**

(n) **Take note of the implementation of the voluntary supplemental funding mechanism with respect to additional resources for the Office of Staff Legal Assistance and the monthly data provided with respect to the opt-out rate and amount of staff contributions;**

(o) Take note of the information provided with respect to disputes involving non-staff personnel and existing measures to institutionalize good management practices that aim to avoid or mitigate disputes involving different categories of non-staff personnel;

(p) Approve the proposed code of professional conduct for external legal representatives;

(q) Take note of the concrete measures taken to enforce accountability in cases where contested decisions have resulted in awards of compensation to staff;

(r) Take note of the upgrade to the search engine to facilitate streamlined access to the jurisprudence of the Tribunals;

(s) Take note of the analysis of the reasons for the disparity between appeals granted in full or in part in cases filed on behalf of the Secretary-General as compared to cases filed by staff members;

(t) Take note of the information provided with respect to the lessons-learned guides for managers;

(u) Take note of the steps being taken to ensure that the relevant provisions of the Convention on the Rights of Persons with Disabilities are observed in the workplace;

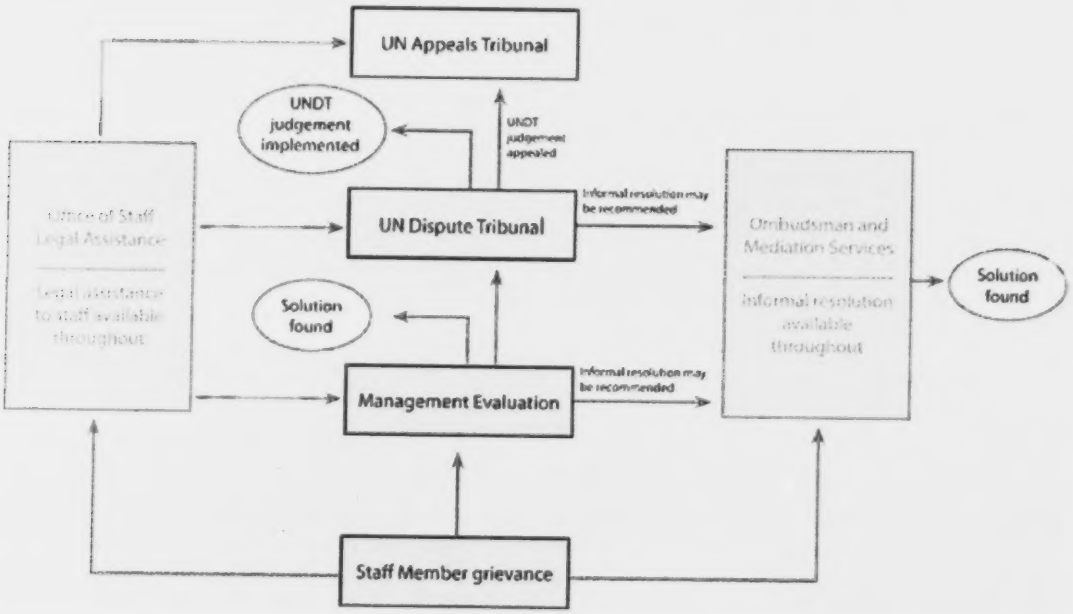
(v) Approve the proposed mechanism for addressing potential complaints made under the code of judicial conduct for judges of the Tribunals;

(w) Appropriate an additional amount of $2,685,800 under the programme budget for the biennium 2014-2015 comprising increases under section 1 ($2,580,500), section 29D ($105,300); as well as an amount of $147,900 under section 36, Staff assessment, to be offset by a corresponding amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2014-2015. The amount of $2,685,800 would represent a charge against the contingency fund for the biennium 2014-2015.

Annex I

United Nations system of administration of justice flow chart

Administration of justice process



Annex II

Revised proposal for conducting an interim independent assessment of the system of administration of justice

1. It is proposed that the scope of the interim independent assessment be as follows:

(a) The assessment shall examine the system of administration of justice at the United Nations in all its aspects, with particular attention to the formal system. It will also look at areas where the formal system intersects with the informal;

(b) The assessment shall analyse whether the aims and objectives of the system set out in paragraph 4 of resolution 61/261, which was reaffirmed by the General Assembly in paragraph 9 of its resolution 68/254, are being achieved, and in an efficient and cost-effective manner. Paragraph 4 of resolution 61/261 provides as follows:

> "4. *Decides* to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike;"

(c) The assessment should include consideration of, inter alia, the following:

(i) Effective access to the system of administration of justice at the United Nations for staff members at all duty stations;

(ii) Identification of the causes of recourse to the system of administration of justice at the United Nations and possible means of addressing such causes;

(iii) Proactive measures for the early identification and resolution of cases appropriate for informal resolution;

(iv) Intersection of the formal and informal systems related to the process of case referral;

(v) Caseloads of entities that comprise the system of administration of justice at the United Nations and any trends with respect thereto;

(vi) Lessons from the jurisprudence of the Appeals and Dispute Tribunals for the implementation of good management practices throughout the Organization;

(vii) Timeliness of the system of administration of justice at the United Nations;

(viii) Systemic issues affecting the operation of the system of administration of justice at the United Nations, including the impact of self-representation by staff members;

(ix) Cost-effectiveness of the system of administration of justice at the United Nations;

(x) Opportunities for efficiencies, including better use of technology and staff and non-staff resources;

(xi) Compensation awards, in particular, for moral damages;

(xii) Resource requirements of the system of administration of justice at the United Nations;

(d) The independent experts conducting the assessment should:

(i) Consider the relevant resolutions of the General Assembly;

(ii) Consider the reports of the Secretary-General and the Internal Justice Council on the system of administration of justice at the United Nations;

(iii) Consider relevant sections of reports on and assessments of the informal system;

(iv) Receive and review information from relevant stakeholders regarding the general direction and functioning of the system of administration of justice at the United Nations;

(v) Consult with, inter alia: United Nations staff, staff unions and associations, managers, management within the Secretariat and the funds and programmes, including management evaluation units; legal representatives of staff and management, including the Office of Staff Legal Assistance, the Administrative Law Section in the Office of Human Resources Management, counterparts in the funds and programmes and the Office of Legal Affairs, the Office of Internal Oversight Services and other investigative authorities in the funds and programmes; judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, the Office of Administration of Justice, including the Registries of the Tribunals, the Office of the Ombudsman and Mediation Services, the Internal Justice Council and, to the extent possible, members of the former Redesign Panel.

Report

2. A draft report of the findings and recommendations is to be circulated to relevant stakeholders for comments and the comments appended to the final report.

3. A report of findings and recommendations is to be prepared for consideration by the General Assembly.

Annex III

Responses to the recommendations contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services

1. The Office of Human Resources Management notes that improving performance management is a long-standing objective of the Organization. The Office has been working in collaboration with the Office of the Ombudsman as well as other stakeholders to address systemic issues and improve performance management in the Secretariat. Proposals, which include a revised policy, tools, training and guidance, will be presented to the General Assembly at its sixty-ninth session to tackle many of the concerns noted by the Ombudsman.

2. With regard to the concern from staff about a lack of managerial guidance and a lack of acknowledgement of effort, the Office of Human Resources Management proposes to drop the midpoint review in favour of a requirement for ongoing feedback between staff members and their First Reporting Officers. Such guidelines will contain guidance for managers on various ways to recognize the work of staff. This will be accompanied by an enhancement of the role for Second Reporting Officers to ensure that ongoing dialogue takes place and the issuance of guidelines on how to carry out these discussions effectively. In addition, the guidelines for evaluating staff will be clarified and improved to address inconsistency and unfairness in ratings within and across departments/offices/missions.

3. In addition to the above measures and as noted in the report of the Secretary-General on the activities of the United Nations Ombudsman and Mediation Services (A/68/158, para. 65), setting the tone at the top is crucial to ensuring the necessary cultural shift. Therefore, one of the key points made in the proposal is the importance of the engagement and accountability of senior management in ensuring compliance with the policy, generating consistency of ratings and encouraging proper performance-management practices at all levels. Greater engagement and dialogue between managers and staff, combined with an annual, transparent senior-management review of ratings distributions and compliance, will shift the current culture and create a more positive and fairer working environment.

4. An additional measure aimed at improving compliance and the consistency and fairness of ratings is the insertion of performance management as an indicator in the senior manager's compact. This will be periodically monitored by the Management Committee and is expected to increase senior management engagement and the consistency of ratings across the Secretariat.

5. Conflict prevention and resolution will feature prominently in the training and guidelines that will accompany the proposed new policy and the Office of Human Resources Management will continue to work closely on this subject with the Office of the Ombudsman and Mediation Service. The proposed new policy also promotes informal resolution through greater engagement by Second Reporting Officers, human resources and/or executive office staff and highlights the need to address underperformance as early as possible. In addition, in conjunction with the Department of Field Support, the Office of Human Resources Management has been actively reaching out to staff members in field missions to promote good

performance management and to raise awareness of the need for greater managerial engagement.

6. Regarding the investigations and disciplinary cases, the report of the Secretary-General noted that "fielding a prompt investigation in response to every formal complaint that merits investigation appears to remain a challenge" (A/68/158, para. 67). Ensuring prompt and efficient investigations remains an ongoing effort in the Organization and is the subject of ongoing discussions within the Management Committee regarding implementation of the findings and recommendations of the working group chaired by the Office of Legal Affairs (see A/68/346, annex V, paras. 14-16).

7. In the report of the Secretary-General it was also observed that there is an "opportunity to develop an understanding at all levels about the role of staff and management in early and informal resolution, and to shift the discourse from punitive action to fostering a dialogue-oriented work climate" (A/68/158, para. 72). A working group led by the Conduct and Discipline Unit in the Department of Field Support (including the Office of Human Resources Management, the Field Personnel Division in the Department of Field Support, the Office of the Ombudsman and Mediation Services, the Office of Staff Legal Assistance, the Management Evaluation Unit in the Department of Management and participation from offices away from Headquarters and field missions) noted that the Secretariat needs to improve its training on conflict prevention and resolution, also noting that current programmes focus more on conflict management and resolution than on conflict prevention. Early and informal resolution can prevent formal complaints in some instances and can promote a harmonious working environment. To that end the Office of Human Resources Management is taking steps to inventory existing training programmes, identify gaps and develop, in consultation with other stakeholders, a plan for adapting existing programmes to better address the need for greater managerial involvement and support for early and informal conflict resolution. The plan for the adoption of Secretariat training programmes will be developed by the middle of 2015 and will include short and long-term actions to revise current training programmes.

8. With respect to the observations in connection with service-incurred injuries and illness in the report of the Secretary-General (see A/68/158, paras. 75-77), the Office of Human Resources Management has the Emergency Preparedness and Support Team dedicated to providing support to survivors of critical incidents. The role of the team is to:

(a) Assist with follow-up to individual claims (including timely submission), coordinating with the respective individuals and the secretariat to the Advisory Board on Compensation Claims to ensure expedited settlement and response to queries;

(b) In partnership with the secretariat to the Advisory Board on Compensation Claims and the Insurance Service, provide briefings to assist in capacity-building for administrators and human resources professionals on the Advisory Board's process and with the filing of claims. These briefings are part of an ongoing effort to raise awareness and to improve the timeliness of filing claims and the required documentation process to ensure expeditious settlements.

9. The Office of the Ombudsman observed that there are systemic problems involved in addressing staff who have partial medical clearances (A/68/158 paras. 78-82). The Office of Human Resources Management is undertaking to address these concerns. At the sixty-seventh session, the Secretary-General sought the approval of the General Assembly to be able to place staff who have been adversely affected by natural disasters, malicious acts and other emergency incidents outside the regular staff selection system laterally into a position in another duty station, mission, office or department, as long as certain conditions were met (see A/68/483, para. 7).

10. The Advisory Committee on Administrative and Budget Questions and the General Assembly deliberated on the issue and observed that the proposal might need to be adjusted given any potential decision on the issue of staff mobility (A/68/580, para. 6). Although the General Assembly did not approve the proposal, the Advisory Committee invited the Secretary-General to raise the issue again in the overview report on human resources management. The Office of Human Resources Management is meeting with all the stakeholders and will continue to discuss how best to address this issue, particularly given the decision of the Assembly on the new mobility and career development framework (see resolution 68/265). The Office of Human Resources Management will revert to the Assembly in due course with a comprehensive proposal.

11. In his report, the Secretary-General also observed that the Office had handled cases where staff wanted to continue working although the level of their ability to do so had changed (A/68/158, para. 83). After a broad consultation process, and building on the work of the Interdepartmental Task Force on Accessibility, the Office of Human Resources Management has prepared a Secretary-General's bulletin on employment and accessibility for staff members with disabilities. The bulletin, which will be issued shortly, will establish United Nations policy on reasonable accommodation for staff members with disabilities. Reasonable accommodation is defined as necessary and appropriate modification and adjustments in the workplace where needed in a particular case while not imposing a disproportionate or undue burden on the Organization in order to allow staff members with disabilities, at all duty stations, to discharge their official functions. Such reasonable accommodation must be made within existing resources or with any additional resources approved for this purpose by the General Assembly. Reasonable accommodation may include, for example, adjustment and modification of equipment, modification of job content, working time, commuting and work organization for the staff member concerned.

Annex IV

Proposed amendment to article 3 of the statute of the Appeals Tribunal relating to qualifications of judges*

1. The Appeals Tribunal shall be composed of seven judges.

2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

3. To be eligible for appointment as a judge, a person shall:

(a) Be of high moral character **and impartial**;

(b) Possess at least 15 years of **aggregate** judicial experience in the field of administrative law, **employment law** or the equivalent within one or more national **or international** jurisdictions. **Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards the qualifying 15 years. At least five of the 15 years must be as a judge in a court or tribunal with substantial appellate jurisdiction**;

(c) **Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal and, on appointment, be in a state of health appropriate for effective service during the entirety of the proposed term of appointment.**

* Changes to the statute of the Appeals Tribunal are shown in **boldface**.

Annex V

Privileges and immunities of the judges of the Tribunals

1. In its report of 2013, the Internal Justice Council recommended that "judges of both Tribunals, whether full-time or part-time, be accorded the privileges and immunities of section 19 of the General Convention [Convention on the Privileges and Immunities of the United Nations] so that when they exercise judicial functions on behalf of the United Nations they have the immunity of diplomatic envoys, which would facilitate assertion of their immunity if sued".[a] The Internal Justice Council further recommended that "the diplomatic status of the judges specifically be included in the statutes of the Tribunals".[b]

2. In paragraph 42 of its report last year, the Advisory Committee on Administrative and Budgetary Questions considered the recommendation of the Internal Justice Council and "merit in according the judges the privileges and immunities of section 19 of the Convention on the Privileges and Immunities of the United Nations in order to ensure the effective performance of their duties", but regarding the rank of the judges, the Committee took into account the decision of the General Assembly in its resolution 63/253 on the conditions of service of the judges and did not see any reason to recommend changes to the rank of the judges.[c]

3. In paragraph 31 of its resolution 68/254, the General Assembly took note of paragraph 42 of the report of the Advisory Committee, recognized that the immunities of the judges of the two Tribunals should be clearly specified, requested the Secretary-General to examine the issue further and to present to the Assembly at its sixty-ninth session recommendations that would not result in a change in the rank or conditions of service of the judges and invited the Sixth Committee to consider them, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with the responsibility for administrative and budgetary matters.

4. In its report last year, the Internal Justice Council summarized the current status of the judges as follows:

> "The statutes of the Dispute Tribunal and the Appeals Tribunal are silent on the juridical status of the judges. Their status was defined on the basis of recommendations of the Secretary-General that the Dispute Tribunal judges would have the status of officials other than Secretariat officials in order to maintain their independence vis-à-vis the Secretariat (see A/63/314, para. 83). The same paragraph dealt with Appeals Tribunal judges, but only in terms of their part-time engagement and their emoluments for those part-time tasks [footnote omitted]. Those emoluments were consistent with the general way in which those selected for part-time tasks by the General Assembly were usually remunerated (by way of a per diem and honorarium) and such persons are accorded the status of expert on mission (see ST/SGB/107/Rev.6). The Assembly approved those recommendations in paragraph 30 of its resolution 63/253. Accordingly, the Dispute Tribunal judges, including part-time judges,

[a] A/68/306, para. 63.
[b] Ibid., para. 64.
[c] A/68/530, para. 42.

are officials other than Secretariat officials, while the Appeals Tribunal judges are experts on mission."[d]

5. The Secretary-General notes that under the framework of the Convention on the Privileges and Immunities of the United Nations (the "General Convention") adopted by the General Assembly, privileges and immunities are granted to three categories of persons: representatives of Member States, officials and experts on mission. For the purpose of the present report, the issue of privileges and immunities of the representatives of Member States does not arise.

6. As officials other than secretariat officials, judges of the Dispute Tribunal are accorded the privileges and immunities set forth in article V, section 18, of the General Convention. Accordingly, they enjoy: (a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity; (b) exemption from taxation on the salaries and emoluments paid to them by the United Nations; (c) immunity from national service obligations; (d) together with their spouses and dependent relatives, immunity from immigration restrictions and alien registration; (e) the same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of diplomatic missions to the Government concerned; (f) together with their spouses and dependent relatives, the same repatriation facilities in time of international crisis as diplomatic envoys; and (g) the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

7. As experts on mission, judges of the Appeals Tribunal enjoy the privileges and immunities set forth in article VI, section 22, of the General Convention. Accordingly, they enjoy: (a) immunity from personal arrest or detention and from seizure of their personal baggage; (b) immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of the performance of their mission; (c) inviolability for all papers and documents; (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags; (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions; and (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

8. While the decision as to whether the privileges and immunities enjoyed by the judges of the two Tribunals should be retained or revised as recommended by the Internal Justice Council is wholly within the General Assembly's discretion, the Assembly clearly set forth specific parameters when it requested that the Secretary-General present recommendations on the privileges and immunities of the judges, requesting "recommendations that would not result in a change in rank or conditions of service of the judges".

9. Regarding the recommendation of the Internal Justice Council, it is recalled that article V, section 19, of the General Convention provides that "the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law". These officials enjoy the additional privileges and immunities

[d] A/68/306, para. 56.

accorded to diplomatic agents under the 1961 Vienna Convention on Diplomatic Relations (articles 29-36) as well as those privileges and immunities that diplomatic agents enjoy under customary international law.

10. The Secretary-General notes the express wording of article V, section 19, of the General Convention that diplomatic privileges and immunities are accorded to "the Secretary-General and all Assistant Secretaries-General".[c] At present, the judges of the two Tribunals do not have such rank. Thus, in order to have them accorded the privileges and immunities of article V, section 19, of the General Convention, there would need to be a change in their rank. A recommendation resulting in such a change, however, is precluded by the parameters currently set forth by the General Assembly.

11. The statutes of the Tribunals do not reflect the privileges and immunities accorded to the judges. Accordingly, the Secretary-General recommends that the statutes be amended to reflect the privileges and immunities accorded to the judges, as decided upon by the General Assembly.

12. Should the General Assembly decide to maintain the privileges and immunities presently accorded to the judges pursuant to its decision set out in paragraph 4 above, the following amendments to the statutes of the Tribunals, set out in bold, are recommended:

(a) It is recommended that article 4.1 of the statute of the Dispute Tribunal be amended to read as follows (new text in bold): "The Dispute Tribunal shall be composed of three full-time judges and two half-time judges **who shall have the status of officials other than Secretariat officials under article V, section 18, of the Convention on the Privileges and Immunities of the United Nations**";

(b) It is recommended that article 3.1 of the statute of the Appeals Tribunal be amended to read as follows (new text in bold): "The Appeals Tribunal shall be composed of seven judges **who shall have the status of experts on mission under article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations**".

[c] The Secretary-General notes that article V, section 19, is also applicable to Under-Secretaries-General. In the first major reorganization of the Secretariat, approved by the General Assembly in its resolution 886 (IX) of 17 December 1954, the title "Assistant Secretary-General" was abolished and replaced by "Under-Secretary". In his report to the General Assembly on the reorganization of the Secretariat (*Official Records of the General Assembly, Ninth Session, Annexes*, agenda item 53, document A/2731, para. 31), the Secretary-General noted that the highest level of officials immediately under the Secretary-General would be granted the privileges and immunities specified in section 19. No objection was raised to this view by the Fifth Committee and, although the Assembly did not make specific reference to this aspect in its resolution 886 (IX), it "approve[d] generally the measures adopted by the Secretary-General". During the second major reorganization of the Secretariat, the rank of Assistant Secretary-General was re-introduced by the Assembly in its resolution 2369 (XXII) of 19 December 1967.

Annex VI

Proposed code of professional conduct for external legal representatives

Article 1
Definitions

1.1 In the present code, the following terms shall mean:

Client: An individual who has designated counsel authorized to practice law in a national jurisdiction or a former staff member of the United Nations or one of the specialized agencies to present his or her case to the Dispute Tribunal or the Appeals Tribunal pursuant to article 12 of the rules of procedure of the Dispute Tribunal or article 13 of the rules of procedure of the Appeals Tribunal;

Code: The code of professional conduct for counsel as defined herein;

Counsel: An individual acting as a legal representative, other than a staff member of the United Nations, who meets the criteria to represent clients pursuant to article 12 of the rules of procedure of the Dispute Tribunal or article 13 of the rules of procedure of the Appeals Tribunal;

Statutes: The statutes of the Dispute Tribunal and the Appeals Tribunal as approved by the General Assembly pursuant to its resolution 63/253, as amended;

Rules of procedure: The rules of procedure of the Dispute Tribunal and the Appeals Tribunal as approved by the General Assembly pursuant to resolution 64/119, as amended;

United Nations Dispute Tribunal: The Dispute Tribunal as established by the General Assembly as part of the system of administration of justice at the United Nations pursuant to resolutions 61/261, 62/228 and 63/253, as amended;

United Nations Appeals Tribunal: The Appeals Tribunal as established by the General Assembly as part of the system of administration of justice at the United Nations pursuant to resolutions 61/261, 62/228 and 63/253, as amended;

Tribunals: The Dispute Tribunal and the Appeals Tribunal.

1.2 Any term not defined in this code has the same meaning given to it by the statutes, the rules of procedure, or the staff regulations and rules, as applicable.

Article 2
Purpose

2.1 The general purpose of this code is to provide for standards of conduct on the part of counsel which are appropriate in the interests of the fair and proper administration of justice.

2.2 This code does not create any rights arising from a staff member's terms of appointment or contract of employment.

Article 3
Basic standards

3.1 Consonant with the core values of the United Nations as embodied in the Charter, counsel shall maintain the highest standards of integrity, professionalism and respect for diversity.

3.2 Counsel shall at all times act honestly, fairly, courteously and in good faith.

Article 4
General principles

4.1 Counsel shall act diligently, efficiently and with a view to avoiding unnecessary delay.

4.2 Counsel shall maintain independence of conduct in the performance of his or her duties and shall act without regard to personal interests, external pressures or extraneous considerations.

4.3 Where appropriate, counsel should seek to encourage and facilitate dialogue between the parties with a view to the settlement of disputes.

Article 5
Confidentiality

5.1 Counsel shall respect the confidential character of any information acquired by him or her in confidence during the course of acting on behalf of the client.

Article 6
Immunity of United Nations records

6.1 Counsel understands that United Nations records are immune from every form of legal process pursuant to the Convention on the Privileges and Immunities of the United Nations (1946) and that they may come into possession of such records by representing clients within the system of administration of justice. Counsel shall use such records only for the purpose of representing the client. Counsel shall maintain the confidentiality of such records and shall not release them to any third parties, except with the prior written consent of the Secretary-General.

Article 7
Conflict of interest

7. Counsel must put the interests of his or her client before their own interests or those of any other person.

Article 8
Withdrawal of representation

8. Counsel may withdraw his or her representation to a client where good cause for withdrawal exists. Such withdrawal shall be communicated by counsel to the relevant Registry.

Article 9
Relations with the Tribunals

9.1 Counsel shall act with candour, fairness, courtesy, respect and good faith towards the Tribunals throughout proceedings.

9.2 Counsel shall act in a manner that is conducive to the fair conduct of proceedings.

9.3 Counsel shall comply with the statutes, the rules of procedure, this code and any rulings as to conduct and procedure as may be issued by the Tribunals in their proceedings.

9.4 Counsel shall maintain the confidentiality of the proceedings of the Tribunals in accordance with the provisions of the statutes and rules of procedure, or as otherwise ordered by the Tribunals in an individual case.

Article 10
Integrity of evidence

10. Counsel shall at all times maintain the integrity of all records that have been or may be submitted to the Tribunals.

Article 11
Acknowledgement

11.1 By acting on behalf of a client in proceedings before the Tribunals, counsel acknowledge that they consent to be bound by this code.

11.2 Counsel acknowledge that the Tribunals have the ability to regulate proceedings before them, including the ability to deal with conduct of counsel that interferes with the fair and proper administration of justice.

Annex VII

Proposed mechanism for addressing potential complaints under the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

1. Allegations regarding misconduct or incapacity of a judge should be made, in writing, directly to the President of the relevant Tribunal. In the event that a complaint is against a serving President, it shall be addressed to the most senior judge after the President ("receiving judge").

2. The complainant shall receive a written acknowledgement of receipt of the complaint.

3. A complaint shall not be receivable unless it is received within 60 days of the date on which the alleged misconduct or incapacity took place, except as set out in paragraph 5 below.

4. By way of a transitional measure only, a complaint may be filed against a judge of either Tribunal related to alleged misconduct or incapacity during the period from the date of the General Assembly's approval of the mechanism for addressing possible misconduct of judges, in its resolution 67/241 of 24 December 2012, to the date of approval of the present mechanism, provided such complaint is filed within 60 days of the date of such approval.

5. A complaint shall not be receivable unless it relates to a matter of incapacity or misconduct in the performance of official duties or, more generally, conduct unbecoming a judge of the Tribunals. Consistent with the principles of the independence of administration of justice and judicial independence, judicial decisions are not matters of conduct and shall not be the subject of a complaint under this mechanism. Recusal, that is, whether a particular judge should preside over a case or hearing, cannot be dealt with under the complaints mechanism.[a] A complaint is not an appeal.

6. As a general rule, filed complaints relating to a pending case will not be dealt with until the case is disposed of.

7. The types of conduct that would warrant the sanctioning of a judge would include violations of the code of conduct for the judges or violations of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, as set out in the Secretary-General's bulletin ST/SGB/2002/9.

8. Complaints regarding the misconduct or incapacity of a judge shall contain:

(a) The name and address of the complainant;

(b) The date and location of the alleged misconduct;

(c) The name of the judge against whom the complaint is made;

[a] Recusal of judges of the Dispute Tribunal or the Appeals Tribunal is covered in paras. 4.9 and 3.9 of the respective statutes of the Tribunals.

(d) A detailed description of the alleged misconduct or incapacity;

(e) Any other relevant information, including the names and contact details of witnesses, if any, to the event complained of, and documentary evidence if available;

(f) The signature of the complainant and date of submission.

9. A complainant may be represented by another person. If s/he is represented, a letter of representation from the representative must be attached to the complaint.

10. Upon receipt of a complaint, the President or receiving judge shall review it in order to determine what action, if any, is warranted.

11. If the President or receiving judge decides that no further action is appropriate, s/he will so inform the complainant in writing, within seven days, providing reasons for the decision and sending a copy to the judge against whom the complaint was made ("judge concerned").

12. If the President or receiving judge decides that further action is warranted, s/he shall provide the judge concerned with a copy of the complaint and any supporting documentation thereto and invite him/her to provide comments in writing within two weeks, unless the President or receiving judge grants an extension of time to do so.

13. If, following a preliminary review, the President or receiving judge is of the view that further enquiry is appropriate, the complainant will be so advised, and if the complaint is then resolved informally to the satisfaction of the parties, the complaint will be closed.

14. If the President or receiving judge is of the view that there are sufficient grounds to warrant a formal investigation, s/he shall establish a panel of outside experts to investigate the allegations and report its conclusions and recommendations to the President or receiving judge. The panel of experts shall comprise three members who shall be judges, former judges or other eminent jurists. When appointing the panel, the President or receiving judge shall take into account geographical distribution and gender balance.

15. The President or receiving judge shall establish the terms of reference for the panel of experts. Such terms of reference should ensure that the judge concerned is accorded all requisite due process safeguards.

16. A concerned judge may be represented by another person. If s/he is represented, a letter of representation must be provided from the representative. The United Nations will not bear responsibility for the costs, if any, of such representation.

17. The panel of experts shall complete their enquiries and report in writing to the President or receiving judge within three months of the date of referral of the complaint to the panel.

18. All judges of the relevant Tribunal, with the exception of the judge concerned, shall review the report of the panel and recommend one of the following courses of action:

(a) If a majority of the judges are of the opinion that the complaint is not well-founded, the complaint shall be closed and the President or receiving judge shall advise the judge concerned and complainant in writing;

(b) If a majority of the judges are of the opinion that the complaint is well-founded but the removal of the judge concerned is not warranted, the President or receiving judge shall take such corrective action as s/he deems appropriate;

(c) If the judges are of the unanimous opinion that the complaint is well-founded and that the matter is of sufficient severity to suggest that the removal of the judge is warranted, they shall so advise the President or receiving judge of the Tribunal. The President or receiving judge shall report the matter to the General Assembly, through the Internal Justice Council, requesting the removal of the judge concerned. The judge concerned will be advised of such recommendation as soon as possible by the President or receiving judge;

(d) If only a majority of the judges are of the opinion that the complaint is well-founded and the matter is of sufficient severity to suggest that the removal of the judge concerned is warranted, the President or receiving judge shall take such corrective action as s/he deems appropriate. The judge concerned shall be given an opportunity to make final written representations regarding the sanction proposed;

(e) When the process described in this paragraph is complete, the complainant will be advised of the disposition of his/her complaint.

19. The Presidents of the Dispute Tribunal and the Appeals Tribunal shall submit an annual report to the General Assembly on the disposition of complaints through the Internal Justice Council.

20. Appropriate administrative arrangements will be made to protect the confidentiality of the process up to the final disposition of the complaint.

21. This mechanism shall come into effect upon approval by the General Assembly.

Annex VIII

Compensation recommended by the Management Evaluation Unit and awarded by the Tribunals in 2013

A. Compensation recommended by the Management Evaluation Unit

Department of decision maker	*Compensation*	*Level of staff member*	*Amount (United States dollars)*	*Reason for compensation*
DFS-UNDOF	9 months NBS	P-5/7	72 668.25	Non-selection for two TVAs
DFS-UNPOS	6 weeks termination indemnity/6 weeks NBS	P-4/14	10 705.91	Premature termination before retirement
DPA-CTITF	Equivalent to 16 months SPA to G-5	G-4	4 998.68	Refusal of SPA
ESCWA	1 month NBS	P-4/6	6 695.75	Cancellation of offer of appointment
DFS-UNOCI	4 months NBS	FS-4/12	18 128.00	Inordinate delay in processing entitlement and disability claims
UNOG-DCM	4 months NBS	G-4/10	7 976.16	Breaches in selection procedure
UNJSPF-Executive Office	Dependency repatriation rate	P-5/11	20 648.18	Erroneous calculation of repatriation grant
DFS-UNSOA	Equivalent of medical evacuation costs	FS-4/13	10 754.00	Discretion in decision-making revisited
UNCTAD-ITGSCD	2 months NBS	P-3/15	13 420.17	Problematic administration of written test/interview
DFS-MONUSCO	Adjusted sum for family visit travel	P-4/12	712.00	Calculation error
Total			**166 707.10**	

Abbreviations: NBS, net base salary; SPA, special post allowance; TVA, temporary vacancy allowance.

B. Monetary compensation awarded by the Tribunals

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2012/019	New York	ECA	4 months' NBS for moral damages	2013-UNAT-288	UNDT judgement vacated	–	–	N/A
UNDT/2012/062	New York	UNDP	(i) 75 per cent of full-time NBS had applicant's contract been extended for an additional 18 months (pecuniary damages), but total compensation limited to 2 years' NBS; (ii) $50,000 for non-pecuniary damage	2013-UNAT-307	UNDT judgement vacated	–	–	N/A
UNDT/2012/100	New York	Secretariat (DPA)	N/A	2013-UNAT-291	UNDT judgement is reversed: reinstatement or, in the alternative, two years' NBS	–	241 692	30 July 2013
UNDT/2012/125	New York	Secretariat (OIOS)	$30,000 for stress and anxiety	2013-UNAT-347/ Corr.1	Both appeals are dismissed and the award of $30,000 for moral damage is upheld	–	30 102	1 Oct. 2013

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2012/126	New York	Secretariat (DPKO)	$30,000 for harm to reputation and undue delay	2013-UNAT-346	Both appeals are dismissed and the award of $30,000 for moral damage is upheld	–	30 080	26 Sept. 2013
UNDT/2012/186	New York	Secretariat (UNIC)	(i) Payment of retroactive interest on compensation for unused annual leave days; (ii) 3 months' NBS in lieu of notice, with retroactive interest	2013-UNAT-386	The UNDT award of interest is vacated	–	7 409	26 Feb. 2014
UNDT/2013/005	New York	Secretariat (DGACM)	(i) Rescission of the contested decision; (ii) $10,000 (emotional distress)	Under appeal	Under appeal	–	–	–
UNDT/2013/006	New York	Secretariat (UNOCI)	(i) Rescission of the contested decision; (ii) any recovered lump sum for home leave to be returned to applicant with proper adjustments made to his other entitlements and benefits	Under appeal	Under appeal	–	–	–

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/038	New York	Secretariat (DGACM)	(i) Rescission of the contested decision; (ii) any consequential loss in salary or other benefits to be made good by respondent; (iii) $10,000 (non-pecuniary harm/distress suffered)	Under appeal	Under appeal	–	–	–
UNDT/2013/040	New York	Secretariat (DM)	$1,000 (harm resulting from failure to give full and fair consideration)	Under appeal	Under appeal	–	–	–
UNDT/2013/041	New York	Secretariat (DM)	$1,000 (harm resulting from failure to give full and fair consideration)	Under appeal	Under appeal	–	–	–
UNDT/2013/042	New York	UNODC	$3,000 for emotional harm	Under appeal	Under appeal	–	–	–
UNDT/2013/051	New York	UNICEF	(i) Rescission of applicant's performance evaluation report for 2010; (ii) removal of applicant's performance evaluation report for 2010 from her	Under appeal	Under appeal	–	–	–

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
			personnel files; (iii) $20,000 for unlawful termination, loss of chance of further employment and emotional distress					
UNDT/2013/053	New York	UNMIK	(i) $50,000 for non-pecuniary harm; (ii) $15,000 in costs for manifest abuse of proceedings by respondent	Under appeal	Under appeal	–	–	–
UNDT/2013/058	New York	Secretariat (DSS)	(i) Applicant shall be given full and fair consideration for conversion to a permanent appointment; (ii) $7,000 for non-pecuniary harm	Under appeal	Under appeal	–	–	–
UNDT/2013/069	New York	UNCTAD	Compensation in the amount of $15,000 for non-pecuniary harm	No appeal	No appeal	–	15 077	14 Aug. 2013

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/138	New York	Secretariat (DSS)	(i) Rescission of the decision to calculate applicant's absence from work against her annual leave and to place her on special leave without pay; (ii) appropriate adjustments to reflect the placement of the applicant on sick leave on half pay	No appeal	No appeal	–	–	N/A
UNDT/2013/164	New York	Secretariat (DM)	(i) Rescission of contested decision of separation from service with partial compensation for loss of earnings; (ii) $5,000 and 2 years' and 8 months' NBS in lieu of reinstatement	2013-UNAT-379	(i) Rescission of decision; (ii) the UNDT judgement is affirmed	SwF 4 000	4 448	22 Jan. 2014
UNDT/2013/176	New York	UNCTAD	Compensation for non-pecuniary harm in the amount of $40,000 each for the two applicants; (ii) $10,000 for	Under appeal	Under appeal	–	–	–

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
			each applicant for legal costs					
UNDT/2010/172	Geneva	UNHCR	$15,000 for moral damage	2013-UNAT-282	The UNDT judgement is affirmed	€13 054	17 313	24 July 2013
UNDT/2012/030	Geneva	ICTY	€2,000 for moral damage	2013-UNAT-290	The UNDT judgement is set aside	–	–	–
UNDT/2012/066	Geneva	UNCTAD	(i) SwF 10,000 (loss of chance for promotion); (ii) SwF 15,000 for moral damage	2013-UNAT-309	The UNDT judgements vacated	–	–	N/A
UNDT/2012/084	Geneva	UNODC	N/A	2013-UNAT-328	Costs ordered ($100) against applicant	–	–	N/A
UNDT/2012/106	Geneva	UNODC	N/A	2013-UNAT-333	Costs ordered ($100) against applicant	–	–	N/A
UNDT/2012/110	Geneva	OAJ	SwF 10,000 for moral damage	2013-UNAT-341	Award of damages is vacated	–	–	N/A
UNDT/2012/112	Geneva	UNHCR	SwF 2,000 for moral damage	2013-UNAT-339	The UNDT judgement is vacated	–	–	N/A

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UNDT/2012/123	Geneva	ICTY	€2,000 for moral damage	2013-UNAT-345	The Secretary-General's appeal is dismissed and award of moral damages stands	€2 000	2 649	19 Sept. 2013
UNDT/2012/129	Geneva	ICTY	Rescission or €2,000 as alternative compensation	2013-UNAT-357	(i) The UNDT judgement is vacated; (ii) ICTY conversion exercise is remanded; (iii) each appellant is awarded €3,000	€30 000	40 860	17 Feb. 2014
UNDT/2012/130	Geneva	ICTY	Rescission or €2,000 as alternative compensation	2013-UNAT-358	(i) The UNDT judgement is vacated; (ii) ICTY conversion exercise is remanded; (iii) each appellant is awarded €3,000	€3 000	4 086	17 Feb. 2014

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UNDT/2012/131	Geneva	ICTY	Rescission or €2,000 as alternative compensation	2013-UNAT-359 and 2013-UNAT-360	(i) The UNDT judgement is vacated; (ii) ICTY conversion exercise is remanded; (iii) each appellant is awarded €3,000	€759 000	1 033 753	17 Feb. 2014
UNDT/2012/141	Geneva	UNHCR	€1,000 for moral damage	2013-UNAT-367	Award of moral damages stands — not appealed	€1 000	1 482	23 Jan. 2014
UNDT/2012/162	Geneva	ICTY	Rescission or €2,000 as alternative compensation	2013-UNAT-375	The UNDT judgement is vacated	–	–	N/A
UNDT/2012/164	Geneva	UNHCR	(i) Rescission or SwF 10,000 as alternative compensation; (ii) SwF 4,000 for moral damage	2013-UNAT-379	The UNDT judgement is affirmed	–	–	N/A
UNDT/2013/044	Geneva	Secretariat (OAJ)	(i) Removal of the evaluation reports from applicant's file; (ii) $5,000 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/052	Geneva	UNHCR	Reimbursement to applicant of the incorrectly	Under appeal	The UNDT judgement is	–	15 901	4 July 2014

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
			calculated staff assessment deductions		affirmed			
UNDT/2013/055	Geneva	ITC	(i) Compensation in the amount of 12 months' gross salary; (ii) SwF 8,000 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/057	Geneva	ICTY	Reimbursement to applicant of the incorrectly calculated staff assessment deductions	Under appeal	Under appeal	–	–	–
UNDT/2013/072	Geneva	UNCCCD	Compensation in the amount of $3,000	Under appeal	Under appeal	–	–	–
UNDT/2013/093	Geneva	Secretariat (DGACM)	(i) $8,000 compensation for pecuniary loss; (ii) $2,500 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/113	Geneva	UNOG	(i) $12,000 in lieu of rescission of the contested decision; (ii) $4,000 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/127	Geneva	UNODC	$3,000 for moral damage	Under appeal	Under appeal	–	–	–

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UNDT/2013/135	Geneva	UNODC	$5,000 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/144	Geneva	UNCTAD	(i) $8,000 in lieu of rescission of the contested decision; (ii) $6,000 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/153	Geneva	OCHA	(i) SwF 6,000 for material damage; (ii) SwF 5,000 for moral damage	No appeal	No appeal	–	–	N/A
UNDT/2013/162	Geneva	ICTY	$3,000 for non-pecuniary loss	Under appeal	Under appeal	–	–	–
UNDT/2011/192	Nairobi	ONUB	(i) Net base salary from 17 January 2008 to 23 June 2011 at the P-4 level, including restoration of pension benefits; (ii) 2 years' NBS at the P-4 level in lieu of reinstatement; (iii) 4 months' NBS at the P-4 level; (iv) 9 months' NBS; (v) repatriation allowance	2013-UNAT-280	The UNDT judgement is reversed	–	–	N/A

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UNDT/2012/039	Nairobi	MONUSCO	(i) Rescission of the contested decision; (ii) applicant to be reinstated to the FS-5 level; (iii) difference between salary and entitlements at the FS-4 and FS-5 levels; (iv) one year's NBS at the FS-5 level; (v) $15,000 (moral damage)	2013-UNAT-295	(i) The Secretary-General's appeal is allowed; (ii) the award of 1 year's NBS at the FS-5 level is set aside	–	46 856	N/A
UNDT/2012/049	Nairobi	UNON	(i) 9 months' NBS (pecuniary loss); (ii) $20,000 (moral damage)	2013-UNAT-305	Compensation reduced to $10,000, with interest	KSh 882 244.91	10 373	18 June 2013
UNDT/2012/054	Nairobi	UNICEF	(i) Rescission of the contested decision and reinstatement of the applicant, or 2 years' NBS; (ii) 12 months' NBS (moral damage and due process violations)	2013-UNAT-302	The UNDT judgement is vacated	–	–	N/A
UNDT/2012/068	Nairobi	UNDP	(i) 2 years' NBS; (ii) DSA entitlements for the relevant period	2013-UNAT-311	The UNDT judgement is vacated	–	–	N/A

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UNDT/2012/072	Nairobi	UNIFIL	(i) Reinstatement or 2 years' NBS; (ii) lost earnings from date of separation	2013-UNAT-310	The UNDT judgement is vacated	–	–	N/A
UNDT/2012/074	Nairobi	UNON	Payment of removal-related allowances, with interest	2013-UNAT-306	The UNDT judgement is vacated	–	–	N/A
UNDT/2012/101	Nairobi	UNDP	(i) Adjust sanction to separation from service with termination indemnity; (ii) interest on the termination indemnity	2013-UNAT-337	The UNDT judgement is vacated	–	–	N/A
UNDT/2012/124	Nairobi	UNDP	Rescission of summary dismissal and reinstatement or 2 years' NBS	2013-UNAT-336	The UNDT judgement is reversed and summary dismissal is affirmed	–	–	N/A
UNDT/2012/135	Nairobi	UNON	3 months' NBS for moral damage	2013-UNAT-342	The UNDT judgement is affirmed	–	19 657	4 Oct. 2013
UNDT/2012/139	Nairobi	MONUC	Rescission of summary dismissal and reinstatement or 2 years' NBS	2013-UNAT-364	The UNDT judgement is affirmed	–	–	N/A

United Nations Dispute Tribunal judgement No	*Registry*	*Entity*	*Compensation awarded costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2012/150	Nairobi	UNHCR	(i) SwF 5,000 for expenses in filing case; (ii) interest awarded on the sum of $23,118 from 30 June 2004 until 29 December 2008 and $11,559 from 13 May until 29 December 2008	2013-UNAT-370	(i) The UNDT award of costs of SwF 5,000 is vacated; (ii) interests awarded not appealed	–	4 817	24 May 2013
UNDT/2012/158	Nairobi	UNDP	One year's NBS at the NO-A level at rate applicable at the time of separation	2013-UNAT-374	The UNDT judgement is vacated	–	–	N/A
UNDT/2012/161	Nairobi	ONUCI	$6,000 for distress	2013-UNAT-382	The UNDT judgement is affirmed	–	–	N/A
UNDT/2012/191	Nairobi	UNAMID	(i) 2 years' NBS in lieu of reinstatement; (ii) one year's NBS for due process violations	2013-UNAT-388	The UNDT judgement is vacated	–	–	N/A

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UNDT/2012/192	Nairobi	UNDP	2 years' NBS in lieu of reinstatement	2013-UNAT-387	Award of compensation in lieu of reinstatement is reduced to one year's NBS	–	–	N/A
UNDT/2012/200	Nairobi	UNON	(i) $50,000 in moral damages; (ii) difference in salary between P-4 and P-5 from 21 October 2008 until January 2012	Under appeal	Under appeal	–	–	–
UNDT/2013/012	Nairobi	UNMIS	(i) Rescission of separation; (ii) applicant considered employed with UNMIS until the date of closure of the mission; (iii) payment to applicant of salary and entitlements from July 2011 to date of mission closure	Under appeal	Under appeal	–	–	–
UNDT/2013/023	Nairobi	UN-Habitat	2 months' NBS in compensation	Under appeal	Under appeal	–	–	–

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UNDT/2013/026	Nairobi	UNEP	$25,000 as compensation for the violation of his right to be free from harassment in the workplace	2014-UNAT-409	The UNDT judgement is affirmed	–	25 068	16 June 2014
UNDT/2013/032	Nairobi	United Nations Secretariat (OCHA)	(i) Implementation of the report of the Panel on Discrimination and Other Grievances; (ii) rescission of performance evaluation; (iii) 2 years' NBS as compensation; (iv) $50,000 (moral damages); (v) $10,000 (costs ordered against respondent for abuse of proceedings)	Under appeal	Under appeal	–	–	–

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded/costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded by the Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/035	Nairobi	UNON	(i) Respondent to reinstate applicant's licence to bear a firearm; (ii) respondent to restore applicant's access to Lotus Notes; (iii) 6 months' NBS for failure to give full and fair consideration, harassment and abuse of authority	Under appeal	Under appeal	–	–	–
UNDT/2013/036	Nairobi	UNON	(i) Compensation in lieu of reinstatement set at one year's NBS; (ii) 2 months' NBS for violation of due process	No appeal	No appeal	–	–	N/A
UNDT/2013/047	Nairobi	UNMISS	Compensation of 6 months' NBS for violation of due process and human rights of applicant	Under appeal	Under appeal	–	–	–

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UNDT/2013/062	Nairobi	UNMISS	(i) Reinstatement or 2 years' NBS; (ii) one year's NBS for substantive irregularity; (iii) 4 months' NBS for procedural irregularity and for non-pecuniary loss	Under appeal	Under appeal	–	–	–
UNDT/2013/067	Nairobi	MINURSO	6 months' NBS as compensation	Under appeal	Under appeal	–	–	–
UNDT/2013/079	Nairobi	UNICEF	(i) Change in the duration of the period of demotion; (ii) $15,823 compensation for incurred expenses related to the contested decision	2013-UNAT-381	The UNDT judgement vacated in full	–	–	N/A
UNDT/2013/084	Nairobi	UNHCR	(i) One year's salary and all benefits that would have accrued in lieu of rescission of the decision not to renew applicant's contract; (ii) $50,000 compensation for moral damage; £6,074.50 legal	UNAT announcement of 28 June 2014; judgement not yet issued	The judgement is set aside and case is remanded to UNDT	–	–	N/A

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			costs for manifest abuse of proceedings by respondent					
UNDT/2013/085	Nairobi	UNHCR	$8,000 for stress and anxiety	UNAT announcement of 28 June 2014; judgement not yet issued	The UNDT judgement is vacated	–	–	N/A
UNDT/2013/086	Nairobi	UNHCR	$2,500 for moral damage	N/A	N/A	–	2 521	9 Sept. 2013
UNDT/2013/094	Nairobi	UNMISS	(i) 2 years' NBS in lieu of reinstatement; (ii) one year's NBS as compensation for substantive irregularity; (iii) 4 months' NBS for procedural irregularity	Under appeal	Under appeal	–	–	–
UNDT/2013/101	Nairobi	ICTR	(i) Rescission of the applicant's performance evaluation report and institution of new evaluation process; (ii) compensation in the amount of 12 months' NBS; (iii) 4 months' NBS for moral damage	Under appeal	Under appeal	–	–	–

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UNDT/2013/111	Nairobi	UNMISS	2 years' NBS as compensation	Under appeal	Under appeal	–	–	–
UNDT/2013/112	Nairobi	UNMISS	(i) 2 years' NBS in lieu of reinstatement; (ii) one year's NBS as compensation for substantive irregularity; (iii) 4 months' NBS for procedural irregularity	2013-UNAT-339	The UNDT judgement is vacated	–	–	N/A
UNDT/2013/133	Nairobi	UNICEF	(i) Compensation in the amount of 6 months' NBS; (ii) $10,000 for moral damage	Under appeal	Under appeal	–	–	–
UNDT/2013/149	Nairobi	UNICEF	$300 costs against applicant for abuse of court process	Under appeal	Under appeal	–	–	–
UNDT/2013/150	Nairobi	UNICEF	3 months' NBS for non-pecuniary loss	Under appeal	Under appeal	–	–	–
UNDT/2013/151	Nairobi	UNEP	(i) All applicant's retirement benefits calculated as if he had retired at the age of 62; (ii) one year's NBS compensation	Under appeal	Under appeal	–	–	–

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UNDT/2013/152	Nairobi	UNMISS	(i) Reinstatement or 2 years' NBS; (ii) one year's NBS as compensation for substantive irregularity; (iii) 4 months' NBS for procedural irregularity	Under appeal	Under appeal	–	–	–
UNDT/2013/158	Nairobi	ECA	2 months' NBS for non-pecuniary loss	No appeal	No appeal	–	16 684	31 March 2014
UNDT/2013/159	Nairobi	ECA	3 months' NBS for non-pecuniary loss	No appeal	No appeal	–	25 025	13 March 2014
UNDT/2013/161	Nairobi	ECA	One month's NBS for non-pecuniary loss	Under appeal	Under appeal	–	–	–

Abbreviations: DSA, daily subsistence allowance; NBS, net base salary; KSh, Kenya shilling; SwF, Swiss franc.
N/A signifies "not applicable".